

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28481 of 2016

Arising Out of PS.Case No. -9 Year- 2016 Thana -MAHARAJGANJ District- SIWAN

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Rajan Sah, Son of Premchand Sah, Resident of Village- Ramapali, P.S.
Maharajganj, District- Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Raghav Prasad, Advocate.

For the Opposite Party : Mr. Aditya Narayan Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 14-09-2016 Heard both sides.

The petitioner apprehends his arrest in Maharajganj P.S.
Case No. 9 of 2016 registered for the offences punishable under
Sections 366 and 34 of the Indian Penal Code.

The informant alleged that his daughter had gone to
purchase milk for her newly born child but she did not return.
Shatrughan Bhagat during course of search disclosed that he saw
the victim going along with Binda Kumar, Anil Prasad, Sulekha
Devi and the petitioner Rajan Sah in a Bolero jeep.

It is submitted that the occurrence is said to have taken
place on 11.12.2015 but the FIR was lodged on 16.01.2016.
During course of investigation none of the witness has supported
the version of the informant. The investigating officer did not take

statement of Shatrughan Bhagat. The witnesses disclosed that the petitioner has falsely been implicated in the case. The victim had love affairs with one Binda Kumar and that is why she was living in her Naihar.

It appears from perusal of FIR as well as case diary and the order of the Sessions Judge, Siwan that besides the informant the father of the victim, the victim made specific allegation in her statement recorded under Section 164 of the Cr.P.C. that the petitioner and others forcibly kidnapped her and took her to Varanasi where they all committed rape with her for three months.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail in Maharajganj P.S. Case No. 9 of 2016, pending in the court of Chief Judicial Magistrate, Siwan. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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