

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34594 of 2016

Arising Out of PS.Case No. -28 Year- 2015 Thana -MAHILA P.S. District- BHAGALPUR

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Rinku Kumar Gupta @ Rinku Kumar @ Om Gupta S/o Ashok Gupta,
Resident of Village- Lagma, P.S.- Kahalgaon, District- Bhagalpur.

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.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pramod Kumar Singh, Advocate.

For the Opposite Party : Mr. Ambika Bhagat, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 26-09-2016 Heard both sides.

The petitioner apprehends his arrest in Bhagalpur Mahila P.S. Case No. 28 of 2015 registered for the offences punishable under Sections 376, 379, 506 and 354(D) of the Indian Penal Code, Section 4 of Protection of Children from Sexual Offences (POCSO) Act and Section 3(I)(X) of the SC/ST Act.

The prosecutrix alleged that she was studying in class-X and the petitioner was always running after her. On 01.03.2015, on the pretext that Dipika, friend of prosecutrix, was ill the petitioner took her and committed rape with her.

Shri Pramod Kumar Singh, learned counsel appearing on behalf of the petitioner submits that the occurrence took place on 01.03.2015, but the prosecutrix gave her statement on

14.05.2015 on the basis of which the present FIR is registered. Prior to lodging of this case, the prosecutrix gave Sanha but she did not refer any material in her Sanha. The petitioner filed a petition on 02.04.2015 that he might be implicated in false case. The doctor assessed the age of the victim between 16-18 years but the doctor did not find any sign of rape. It is further submitted that the victim is a major girl but from perusal of the records and the case diary, it appears that the victim has stated that she was studying in class-X and the victim made her statement under Section 164 Cr.P.C. disclosed her age to be 14 years. The court has also assessed the age of the victim to be 14 years. The process of Sections 82 and 83 Cr.P.C. have already been issued against the petitioner and the petitioner is not appearing in court.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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