

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52845 of 2015

Arising Out of PS.Case No. -558 Year- 2014 Thana -NAUBATPUR District- PATNA

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1. Dinesh Kumar @ Dinesh Yadav, Son of Mithlesh Yadav, Resident of Village- Dhobiya Kalapur, Police Station- Naubatpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Niwas Prasad

For the Opposite Party/s : Mr. Sadanand Paswan(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 27-01-2016

Heard both sides.

Petitioner apprehends his arrest in connection with Naubatpur P.S. case no. 558 of 2014, registered under Sections 498(A), 323, 504, 509, 494, 354, 506 and 376/34 of the IPC and Sections 3(i) (xi), (xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,.

It is alleged by the lady who has disclosed her age as 19 years that at the insistence of the villager including the petitioner, the husband ousted her from the house on 25.10.2014. Finding her alone the petitioner made her to go to a lonely place where she was subjected to rape.

Contention of the petitioner is that the allegations are concocted. It does not understand the reason as to how the lady

was ousted from the matrimonial home by the husband finding the case strong. There is no injury report on the record. The I.O. has also doubted the allegation.

Learned APP opposed the prayer and submitted that the informant clearly alleged against the petitioner of committing rape on her.

Considering the facts and circumstances and the allegations levelled in the FIR, I am not persuaded to privilege him with anticipatory bail. Prayer is, accordingly, rejected. Petitioner may surrender and seek regular bail before the learned Court below. In that event the Court below shall consider and dispose of the same on its own merit and pass appropriate order uninfluenced by the present order.

(Kishore Kumar Mandal, J)

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