

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50392 of 2016

Arising Out of PS.Case No. -177 Year- 2016 Thana -SAHPUR District- BHOJPUR

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Rahul Singh @ Ashok Singh Son of Nagendra Singh resident of village -
Sarna, P.S. Shahpur, District Bhojpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

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

For the Opposite Party : Mr. Sri Pranav Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-12-2016 Heard learned counsels for the petitioner, informant and

learned counsel for the State.

The petitioner is apprehending his arrest in connection
with Shahpur P.S. Case No. 177 of 2016 for the offences instituted
under Sections 376, 506 and 379/34 of the IPC.

The prosecution story, in brief, is that the petitioner
entered into the house of the informant, who is a minor girl aged
about 17 years, and committed rape upon her after gagging her
mouth. He also took away a gold chain worth Rs. 52,000/- from
the hand bag kept in her house.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation of
tampering with the witnesses alleged against the petitioner. The



petitioner is in defence service. He has falsely been implicated in the present case. The father of the informant had taken Rs. 1,35,000/- from the father of this petitioner and since he was unable to return the said money the present case has been instituted. Learned counsel for the petitioner has relied upon the paragraph nos. 30, 31, 32, 33, 34 and 35 of the case diary. The medical examination report also does not support the allegation made in the FIR.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioner is named in the F.I.R. and there is specific allegation of commission of rape alleged against the petitioner. The victim under Section 164 Cr. P.C. statement has also supported the allegation. The witnesses in paragraph nos. 54, 55 and 56 of the case diary have also supported the allegation made in the FIR.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Shahpur P.S. Case No. 177/2016, pending in the court of learned A.C.J.M. XIV, Bhojpur at Ara. If the petitioner surrenders in the court below, the same shall be considered on its own merit without being prejudiced by the order of this Court taking into account that the petitioner is in



defence service.

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(Sudhir Singh, J)

