

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18642 of 2016

Arising Out of PS.Case No. -1010 Year- 2010 Thana -GAYA COMPLAINT CASE District- GAYA

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1. Birju Das, s/o Rambaran Ram, Resident of mohalla-Ghagharitand, PS-Vishnupad, Dist- Gaya
 2. Umesh Das, s/o Late Bechu Ravidas, resident of moh-Gandhinagar, PS-Mufassil, Dist- Gaya

.... Petitioners

Versus

1. State of Bihar
2. Rekha Devi, D/o Hira Sao, W/o Naresh Sao, resident of mohalla-Gandhinagar, PS- Muffasil, Dist.-Gaya (Bihar)

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Kumar Binode Bariar, Advocate

For the State : Mr. Uday Pratap Singh(App)

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 10-05-2016 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 1010/2010 registered for offences punishable under Sections 323, 376, 506 of the Indian Penal Code.

It is alleged in the complaint case that petitioners and other have committed rape upon the complainant on 01.06.2010. It is contended that the complaint case has been filed after the delay of three days and subsequently, the complainant has retracted from her earlier version stating before the court by filing affidavit that she has taken the name on the advice and statement of other persons and she could not recognize the persons as the light was

not sufficient.

However, in view of the direct allegation of rape against the petitioners and another in the complaint case, in my view, the subsequent statement would be not of much value at this stage while considering the anticipatory bail application of the petitioner. This court is not inclined to grant privilege of anticipatory bail to the petitioner.

Accordingly, the bail application of the petitioners stands dismissed.

(Dr. Ravi Ranjan, J.)

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