

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25034 of 2017

Arising Out of PS. Case No.-2 Year-2017 Thana- AKILPUR District- Patna

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Sunil Kumar, S/o Sri Triloki Singh, R/o Vill.- Batrauli, P.S.- Akil Pur,
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. SRI SATYENDRA PRASAD

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 18-10-2017 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 376 of the IPC and Sections 8 and 12 of the Protection of Children from Sexual Offences Act.

The prosecution case is that Lalbabu Ray submitted written report on 19.1.2017 before the Officer Incharge of Akilpur Police Station to the effect that on 17.1.2017 at 7 P.M. his daughter Maya Kumari, aged about 13 years, went to ease out, thereafter she did not return. On 18.1.2017 at 8 P.M. she came and informed the informant that co villager Chhotkun Kumar and this petitioner Sunil Kumar forcefully took her to the house



of Chhotkun where Chhotkun ravished her after tying her hands, feet and gagging. In the morning, mother of the Chhotkun came and threatened her that she will kill if she informs the police. The informant went to the house of father of co accused Chhotkun, to make complain, when the informant was threatened of dire consequences.

It is submitted by learned counsel for the petitioner that the thrust of accusation is against co accused Chhotkun and even as per the accusation and the statement of the victim recorded under section 164 of the Cr.P.C., no case under section 376 of the IPC is made out against the petitioner.

It is submitted by Mr. J.N. Thakur, learned APP, after going through the case diary that in 164 of the Cr.P.C. statement, as contained in Annexure 2, the victim has specifically stated that the minor girl was lifted forcefully by co accused Chhotkun and this petitioner.

Considering the rival submissions of the parties, it is true that the accusation of committing offence under section 376 of the IPC has not been alleged against the petitioner but the victim was taken to the house of co accused with the assistance of this petitioner. Hence, this court is not inclined to grant anticipatory bail to the petitioner.



This application is, accordingly, dismissed.

(Dinesh Kumar Singh, J)

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