

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3513 of 2017

Arising Out of PS.Case No. -138 Year- 2016 Thana -MAHILA P.S. District- NALANDA
(BIHARSHARIFF)

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Rishabh Kumar, Son of Umesh Prasad, Resident of Village- Madhopur Dih,
Police Station- Chandi, District- Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.8156 of 2017

Arising Out of PS.Case No. -138 Year- 2016 Thana -MAHILA P.S. District- NALANDA
(BIHARSHARIFF)

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Umesh Prasad @ Umesh Prasad Son of Sidheshwar Mahto Resident of
Village- Madhopur Dih, P.S. Chandi, District- Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.3513 of 2017)

For the Petitioner : Mr. Shashi Bhushan Pandey, Advocate.
Mr. Abhay Kumar Sinha, Advocate.

For the Opposite Party : Mr. Damodar Prasad Tiwary, APP.

(In Cr.Misc. No.8156 of 2017)

For the Petitioner : Mr. Shashi Bhushan Pandey, Advocate.
Mr. Abhay Kumar Sinha, Advocate.

For the Opposite Party : Mr. Uma Shankar Prasad Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

15 04-07-2017 Heard both sides.

The petitioners apprehend their arrest in Mahila P.S.

Case No. 138 of 2016 registered for the offences punishable under
Sections 376, 376/511 of the Indian Penal Code, Section 4/10 of



the POCSO Act and Section 27 of the Arms Act.

The prosecutrix alleged that the petitioners Umesh Prasad entered into her house and committed rape with her. Rishabh Kumar son of petitioner Umesh Prasad also made attempt to outrage the modesty of the daughter of the victim.

Learned counsel for the petitioners submits that on account of some petty disputes this case has been lodged. No occurrence as alleged by the prosecutrix has ever taken place. During course of investigation the witnesses have stated that on account of some petty dispute this case has been lodged. It is further submitted that the case is compromised but learned counsel for the informant submitted that the informant has not compromised the case with the petitioners. Both the petitioners entered into her house and petitioner Umesh Prasad committed rape with the prosecutrix and Rishabh Kumar made an attempt to outrage the modesty of her daughter.

Having considered the facts and nature of allegation made against the petitioners, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

The petitioners, if so advised, may surrender before the court below within four weeks from the date of receipt/production



of a copy of this order and pray for regular bail, their prayer shall be considered on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

KKSINHA/-

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