

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31008 of 2017

Arising Out of P.S.Case No. -11 Year- 2017 Thana -TANKUPPA District- GAYA

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Dinesh Kumar @ Bishi, S/o Ramdeo Das, R/o Village- Darjiachak, P.S.-
Tankuppa, District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Bharti, Advocate

For the Opposite Party : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 10-07-2017 Heard.

2. The petitioner apprehend arrest in connection with Tankuppa P.S.Case No.11 of 2017 pending in the Court of CJM, Gaya registered for an offence under Section 376 of the IPC.

3. Informant of this case, in her written report, has alleged that at around 7:00 P.M, when she had gone to meet the call for nature in an adjoining field, this petitioner and one Naresh Kumar caught hold of her and accused Naresh Kumar after removing her clothe, committed rape on her. She raised alarm whereupon her father came and thereafter both of them escaped from the place of occurrence.

4. The learned counsel for the petitioner submits that there is no allegation of rape against the petitioner. The victim was



produced before the Magistrate and her statement was recorded under Section 164 of the Cr.P.C where she has not levelled any allegation against the petitioner. The doctor has not found any sign of rape on victim.

5. The learned APP opposed the submission.

6. On perusal of FIR, I find that this petitioner and co-accused Naresh Kumar forcibly caught the victim and took her to the field where co-accused Naresh Kumar committed rape on her. In her statement given before the Magistrate she has stated that this petitioner and co-accused Naresh Kumar caught and took her to the field of mustered crop where co-accused committed rape and this petitioner was standing at same distance. The doctor has assessed her age in between 16 and 18 years.

7. Considering the allegation of catching hold of the victim in order to facilitate other co-accused, I am not inclined to grant anticipatory bail of the petitioner. Accordingly, the prayer for anticipatory bail is rejected.

(Sanjay Kumar, J)

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