

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49716 of 2016

Arising Out of PS.Case No. -78 Year- 2016 Thana -MAHILA P.S. District- MADHUBANI

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1. Ranjeet Sahu @ Ranjit Kumar Sahu Bhogal Sahu
2. Pappu Kamat Son of Madhu Kamat
3. Guneshwar Sah S/O Deb Narayan Sah All resident f village Malmal, P.S
Kaluahi, District Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mr. Sri Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 10-01-2017 Heard both sides.

The petitioners apprehend their arrest in Madhubani Mahila P.S. Case No. 78/2016, registered for the offences punishable under Section 376(D) and other Sections of the Indian Penal Code and Section 4 of the POCSO Act and Section 3(XII) of the SC/ST Act.

The prosecutrix made allegation that she along with Annu Kumari went to attend the call of nature but the petitioners took her to brick kiln and committed rape with her one by one.

Learned counsel for the petitioners submits that the occurrence took place on 09.08.2016 but the FIR was lodged on 22.08.2016. No satisfactory explanation has been given. The



doctor did not find any sign of rape. The case has already been compromised.

Learned counsel for the prosecutrix also appeared and said that the case has been compromised, *but* it appears that the prosecutrix has made specific allegation that all the three persons committed rape with her one by one. She made her statement under Section 164 Cr.P.C. and also repeated the said fact. Of course, the case is lodged after 13 days of the occurrence, but it generally happens from the prosecutrix side that the petitioner states her to settle the dispute.

Considering the facts aforesaid 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.

(Prabhat Kumar Jha, J.)

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