

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54579 of 2016

Arising Out of PS.Case No. -270 Year- 2016 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

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1. Anna @ Munna @ Ranjan Kumar Son of Suresh Rai Resident of Village-
Dighi Kala West, Police Station-Hajipur Sadar in the District of Vaishali

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Opposite Party/s : Mr. Kr Uday Pratap (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 09-02-2017 Heard learned counsel for the petitioner as well as
learned Addl. Public Prosecutor.

The petitioner prays for regular bail for the offence
under Sections 366(A), 376/34 of Indian Penal Code and Section 4 of
POCSO Act.

Allegedly, the petitioner and co-accused Bikku caught
sister of informant and shut her mouth with her *dupatta* and thereafter,
brought her with Maruti Suzuki bearing no. BR 31V-2356. Suddenly,
the informant reached there, chased them and after search, vehicle was
found near *bathan* of Basant Bihar. Haresh Rai, Sunil and Sanjay were
standing in front of the hut. The informant, after hitting them, went
inside the hut and saw that petitioner and Bikku were committing rape
with his sister. The petitioner was caught at the spot and other accused



fled away.

Submission is of false implication and that the petitioner has been made victim of circumstances, all the witnesses have stated that love affairs was going on between the sister of the informant and the petitioner and when the sister of the informant and the petitioner were moving, petitioner was caught by the informant and falsely been implicated in this case, he has pressurized his sister to give statement as per the prosecution case and no offence as alleged is made out, the doctor who has examined the victim has found her age as 20 years, no external or internal injury has been found and as such, deserves sympathetic consideration.

The learned Additional Public Prosecutor duly assisted by learned counsel for informant have opposed the prayer for bail by submitting that the doctor has found the evidence of recent sexual act and the victim, in her statement, has supported the allegation that the petitioner committed rape with her.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner serious in nature, I am not inclined to release the petitioner on bail. Accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J.)

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