

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18449 of 2017

Arising out of P.S. Case No. -108 Year- 2016 Thana -DARBHANGA RAIL P.S. District-
SAMASTIPUR

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Baleshwar Rai, son of late Ramphal Rai, resident of village- Mohanpur,
Police Station- Mufassil, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Syed Asgher Najmi, Advocate.

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

- 3 29-06-2017 Heard learned counsel for the petitioner and the State.
- The petitioner apprehends his arrest in Darbhanga
G.R.P. P.S. Case No. 108 of 2016 instituted for the offence under
Section 376 of the Indian Penal Code.
- As per written report, petitioner committed rape with
the daughter of the informant while she was alone in the house.
- Case diary has been received.
- The statement of the victim girl has been recorded
under Section 164 Cr. P.C. wherein she has levelled specific
allegation against the petitioner of committing rape with her.
- The counsel for the petitioner has submitted that a
compromise petition has been filed between the parties on
21.1.2017. He has further submitted that the occurrence has taken



place on 30.11.2016 and the First Information was lodged on 6.12.2016 by the father of the victim girl although victim girl herself is major.

The statement made by the petitioner as mentioned above may be a good ground for regular bail.

There is specific allegation against the petitioner of committing rape with the victim and the statement of the victim girl recorded under Section 164 Cr. P.C. supports the case of prosecution. Therefore, this Court is not inclined to grant anticipatory bail to petitioner.

Prayer for anticipatory bail of the petitioner stands rejected.

The petitioner is directed to surrender before the court below and pray for regular bail which shall be disposed off by the court below in accordance with law without being prejudiced by this order.

S.Ali/-

(Sanjay Priya, J)

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