

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40021 of 2017

Arising Out of PS.Case No. -22 Year- 2017 Thana -MAHILA P.S. District- BHABHUA (KAIMUR)

- =====
1. Upendra Singh,
 2. Surendra Singh, both sons of late Ramdular Singh, resident of village-Karup, Police Station-Kargahar, District-Rohtas at Sasaram
- Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Dr. Rabindra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 04-10-2017

The application has already been dismissed as having become infructuous in so far as it relates to Petitioner No.2- Surendra Singh.

Heard learned counsel for the petitioner No.1 and learned APP for the State.

Petitioner No.1 apprehends his arrest in Mahila (Bhabhua) P.S. Case No.22 of 2017 instituted for the offence under Section(s) 376 Indian Penal Code and Section 4 of the POCSO Act pending in the Court of the Additional Chief Judicial Magistrate, Kaimur at Bhabhua.

As per written report, petitioner, who is *Mama* (maternal uncle) of the victim (Informant), committed rape with her when she was living with him during the period when her father was in jail. Victim (Informant) became pregnant and this



petitioner got her aborted by a doctor in Sasaram.

Case diary was called for, which has been received. The victim girl (Informant) has given statement under Section 164 Cr. P. C. in which she has fully supported the case and leveled specific allegation against this petitioner.

It has been submitted that the witness, Gaura Kunwar, in para 24 of the case diary has stated that abortion of the girl was done in the month of November. She has stated that she does not know where abortion took place.

From the statement of the witness recorded in para 24 of the case diary also, it is apparent that the victim girl (Informant) was aborted as she became pregnant.

In such circumstances, this Court does not find it a fit case for grant of anticipatory bail.

Prayer of the petitioner No.1 for grant of anticipatory bail is rejected.

Petitioner No.1 may surrender in the Court below and seek regular bail, which shall be considered and disposed off in accordance with law on its own merit without being prejudiced by this order.

(Sanjay Priya, J)

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