

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12043 of 2017

Arising Out of PS.Case No. -170 Year- 2015 Thana -WAJIRGANJ District- GAYA

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Taposh Das @ Taposh Kumar, son of Mukhiya Das @ Mukhiya Ram,
resident of village- Mahugawn, P.S.- Wazirganj, District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Kamal Kumar Sinha, Advocate.

For the Opposite Party : Ms. Sharda Kumari, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 22-06-2017 Heard both sides.

The petitioner apprehends his arrest in Wazirganj P.S. Case No. 170 of 2015 corresponding to POCSO Case No. 52 of 2015 registered for the offences punishable under Section 354 and some other Sections of the Indian Penal Code. Later on Section 376 of the Indian Penal Code was added.

The informant alleged that the marriage of the daughter of Brahmadeo Das was held on 03.05.2015. On the eve of the marriage, daughter of the informant went to the house of Brahmadeo Das. The informant alleged that the petitioner, nephew of Brahmadeo Das, outraged the modesty of the victim, daughter of the informant.

Learned counsel for the petitioner submits that the



occurrence took place on 03.05.2015 but the FIR was lodged on 08.05.2015. The victim made her statement under Section 164 Cr.P.C. after one month of the occurrence. The petitioner has falsely been implicated in the case but, it appears that the victim became unconscious. The informant lodged the case while the victim was unconscious. When the victim got her consciousness she made her statement and very categorically stated that it was the petitioner who committed rape with her.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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