

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3212 of 2018

Arising Out of PS.Case No. -41 Year- 2017 Thana -MAHILA P.S. District- SITAMARHI

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Sikandar Rai, S/o Mahendra Rai, R/o Village- Nazarpur, P.S.- Riga,
District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Jha, Advocate.

For the Opposite Party/s : Mr. Nand Kishore Pd., A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 19-03-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Sitamarhi P.S.**

Case No. 41 of 2017 instituted for the offence under Sections 341,
323, 376 and 379/34 of the Indian Penal Code.

In the written report it is alleged that this petitioner
along with one unknown person took the informant in *Bansbari*
and committed rape with her.

Learned counsel for the petitioner has submitted that
independent witness in paragraph-24 of the case diary has not
supported the allegation of rape against the petitioner. It has
further been submitted that Doctor has not given any definite
opinion about commission of rape with the informant.

Case diary has been received.



In further statement of victim girl recorded in paragraph-12 of the case diary she has supported the allegation against the petitioner of committing rape with her. The statement of other family members of the informant have been recorded in paragraphs-13, 14, of the case diary wherein they have stated that the victim girl has told them about occurrence committed by this petitioner.

In such circumstances, this Court is not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner stands rejected.

Petitioner may surrender before the court below and make prayer for regular bail which will be considered by the court below on its own merit without being prejudiced by this order, if possible, on the same day.

(Sanjay Priya, J)

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