

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59720 of 2017

Arising Out of PS.Case No. -141 Year- 2016 Thana -GANDHIMAIDAN District- PATNA

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Chintu Kumar @ Chittu Kumar, son of Late Sushil Pandit, resident of
Village- Jat Dumri, P.S. Punpun, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dronacharya

For the Opposite Party/s : Mr. Sri Uday Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-01-2018 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Gandhi Maidan PS case no. 141 of 2016
registered for the offences punishable under Sections 363, 366(A)
of Indian Penal Code.

The allegation leveled is regarding petitioner
abducting the victim girl and thereafter, committing rape on her
which is apparent from the statement of the victim girl recorded
under Section 164 of Code of Criminal Procedure.

The learned counsel for the petitioner submits that
the co-accused persons i.e. the mother and brother of the petitioner
have already been granted bail hence, the same privilege should



also be extended to him. It is further submitted that the victim girl herself has stated before the police that she was being harassed by her parents and infact, her parents wanted her to marry with an elderly person.

I have gone through the records of the case and the case diary as well. It is apparent from the statement of the victim girl, made under Section 164 of Code of Criminal Procedure, which has been recorded without her being in duress, that the petitioner/ accused persons had kidnapped and raped the victim girl. As far as the orders granting bail to the other accused persons are concerned, it is apparent that the same has been granted on the ground that the main accused is the petitioner herein.

Having regard to the facts and circumstances of the case, I find that the petitioner being the main accused in the present case and having committed a heinous crime on minor girl, is not entitled to the privilege of anticipatory bail. Hence, the present anticipatory bail of the petitioner stands dismissed.

(Mohit Kumar Shah, J.)

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