

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 1526 of 2018

Arising Out of PS. Case No.-43 Year-2014 Thana- Ander District- Siwan

Munna Singh son of Ramdhari Singh Resident of Village - Kodiya, Police Station - Bhagwanpur Hat, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Rajendra Singh Shastriji

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

5. 23-03-2018 Heard Sri Bijay Prakash Singh, learned counsel for the petitioner and Sri Rajendra singh Shastriji, learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in Andar P.S. Case No. 43 of 2014 registered for offence under Sections 365, 366(A)/34 of the Indian Penal Code and vide order dated 14-08-2014, Sections 376 of the Indian Penal Code and Section 6 of the POCSO Act (i.e. Protection of Children from Sexual Offences Act, 2012) were added, has prayed for grant of bail in the event of his arrest or surrender.

In this case, earlier case diary was called for, which has been received and kept on record.

Learned counsel for the petitioner submits that petitioner was not named in the F.I.R., but subsequently in calculated manner, petitioner has been made accused on the strength of statement of the victim, which was recorded under Section 164



of the Cr.P.C. He submits that save and except statement of victim under Section 164 of the Cr.P.C., other witnesses have not specifically corroborated the allegation.

Sri Shastri, learned Addl. Public Prosecutor, by way of referring to certain paragraphs of the case diary, submits that there is specific case against the petitioner. It was not only case of kidnapping, but during captive period, the victim was rapped also and this allegation was corroborated by the victim in her statement recorded under Section 164 of the Cr.P.C. He submits that the daughter of the informant was missing since 07-04-2014 and thereafter, on 11-04-2014, an F.I.R. was lodged, in which, it is true that petitioner was not arrayed as accused, but during investigation, his involvement was transpired and finally, on 02-06-2014, statement of the victim was recorded under Section 164 of the Cr.P.C., in which, specific allegation has been made against the petitioner.

In view of nature of allegation, particularly seriousness of the case, I do not find any ground to extend the privilege of anticipatory bail.

The petition stands dismissed.

(Rakesh Kumar, J.)

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