

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55343 of 2018

Arising Out of PS. Case No.-377 Year-2018 Thana- BIHTA District- Patna

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1. Rahul Kumar @ Santosh Kumar, S/o Krishna Saw @ Krishna Sonar,
 2. Krishna Saw @ Krishna Sonar, S/o Late Sidhnath Saw, Both resident of Village- Patut, Police Station- Rani Talab, District- Patna. Petitioners.

Versus

The State of Bihar. Opposite Party.

Appearance :

For the Petitioner/s : Mr. Sunil Prasad
For the Opposite Party/s : Mr. Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 12-12-2018 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend his arrest in connection with Bihta P.S. Case no. 377 of 2018, registered under Sections 363, 366-A/34 of the Indian Penal Code.

Petitioners along with other accused persons are said to have kidnapped the minor daughter of the informant.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case merely on suspicion. Victim has always been changing her statement giving contradictory statement under Section 161 Cr.P.C. and under Section 164 Cr.P.C.

On the other hand, learned APP for the State and



learned counsel for the informant vehemently opposing the bail petition submitted that as per the matriculation certificate the victim happens to be minor and in her statement under Section 164 Cr.P.C. has candidly stated that the petitioner and one Amit have committed rape against her taking her in a room at Bhabua.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioners on anticipatory bail. The prayer for bail is hereby rejected. However, the petitioners are directed to surrender before the learned court below and pray for regular bail and the learned court below is directed to dispose of the bail petition of the petitioners on the date of filing of the same without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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