

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8480 of 2018

Arising Out of PS.Case No. -33 Year- 2017 Thana -MAHILA PS District- AURANGABAD

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Ravi Kumar S/o Kamta Yadav @ Kamta Singh, R/o Village- Pathar Katti,
P.S.- Daudnagar, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Jee Mishra

For the Opposite Party/s : Mr. Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3 03-04-2018 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 Aurangabad Mahila P.S. Case No. 33 of 2017 registered for offences punishable under Sections 376(D) of the Indian Penal Code and Section 4 of the POCSO Act.

The case of the prosecution according to the statement of the informant is that one Manish Kumar had befriended the informant of this case and had facilitated the informant to take a room on rent at Daudnagar where the said Manish Kumar had stayed with the informant in her room for about 15 days and also established physical relationship with her. In between, the informant had come into contact with one Subodh Kumar and she



started having sexual intercourse with him. Subsequently, when the informant had gone to Daudnagar Market on 06.10.2017 for purchasing articles, then the said Subodh Kumar came there with his Auto and took him to Pathar katti School where he called four persons including the petitioner herein and they are said to have committed gang rape with the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent and from a bare perusal of the FIR itself it is apparent that the informant is habitual of establishing illicit physical relationship with several persons and her character appears to be dubious. It is further submitted that the statement made in the FIR as compared to the statement made by her under Section 164 of the Cr.P.C. are contradictory to each other.

I have perused the materials on record and heard the learned counsel for the parties and find that the petitioner is engaged in a heinous crime, being a participant in the gang rape of the informant herein. In fact if the statement of the informant i.e. the victim girl, made under Section 164 Cr.P.C. is perused, it would show that the informant has supported the occurrence of gang rape as well as has named the petitioner as one of the persons who had raped her. In fact in the case diary also there is ample material to suggest the complicity of the petitioner herein.



Since the petitioner has engaged in a heinous crime, which is becoming rampant during the recent times, such time of incident are required to be dealt with a firm hand and no mercy should be shown to accused persons committing such type of crime, as such the petitioner is at least not entitled to grant of anticipatory bail.

The present petition for grant of anticipatory bail is dismissed.

(Mohit Kumar Shah, J)

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