

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7838 of 2018

Arising Out of PS.Case No. -52 Year- 2017 Thana -MAHILA P.S. District- NALANDA
(BIHARSHARIFF)

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1. Chandu Raut @ Chandraketu Prasad, Son of Ganesh Raut,
 2. Raja Ram Raut @ Raja Ram Kumar, Son of Mahesh Raut, Both are resident of Village- Barki Mlama, Bighapar, P.S.- Samera, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Ranjan Sinha

For the Opposite Party/s : Mr. Aditya Narayan Singh 1

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 17-02-2018 Heard the learned counsel for the petitioners as well as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Mahila P.S. Case No. 52 of 2017 for the offences punishable under sections 376 (D), 341, 323, 504 and 506 of the I.P.C and section 8 of the POCSO Act.

Allegedly, the petitioners and co-accused Rajiv Raut committed gang rape with the daughter, aged 15 years, of the informant and further caused threats.

Submission is of false implication and that the medical evidence does not support the allegation of rape, the petitioners are



men of means and there is no chance of their absconding or tampering with the evidence and as such they deserve sympathetic consideration.

The learned A.P.P. seriously opposes prayer for pre-arrest bail of the petitioners by submitting that on the body of the victim abrasions have been found and the victim in her statement recorded under section 164 of the Cr.P.C. has supported the allegation of gang rape.

In the facts and circumstances stated above, considering the allegation attributed against the petitioners, serious in nature, I am not inclined to grant privilege of pre-arrest bail to them and accordingly their such prayer stands rejected in connection with the aforementioned case pending in the court of 1st Additional Sessions Judge- Cum- Special Judge, Nalanda at Biharsharif.

(Jitendra Mohan Sharma, J)

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