

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14964 of 2018

Arising Out of PS.Case No. -353 Year- 2017 Thana -BAKHTIARPUR District- SAHARSA

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Sushil Badhai S/o Bhumeshwar Badhai, R/o Village- Saroja, P.S.-
Bakhtiyarpur, District- Saharsa.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Subesh Sharma

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 09-05-2018 Heard learned counsel for the petitioner.

Petitioner apprehends his arrest in connection with
Bakhtiyarpur (BKP) O.P. (Balbahat) P.S. Case No. 353 of 2017,
registered for the offences punishable under Sections 341, 323 and
376 of the Indian Penal Code.

Allegation against the petitioner is of committing rape
upon the informant.

Submission of learned counsel for the petitioner is that
medical report does not support the factum of rape and moreover
in paragraphs 42 and 44 of case diary independent witnesses have
not supported the prosecution story of rape and it is said that a
Panchayati was held and under such circumstances at best it is a
case of 354 IPC.



Heard learned APP also, who has opposed the prayer for anticipatory bail stating that the girl in her re-statement has supported the prosecution case.

Having heard both sides and considering the nature of allegation, I am not inclined to grant privilege of anticipatory bail to the petitioner. Petitioner to surrender and make prayer for regular bail, which shall be considered on its own merit, without being prejudiced by the order of this Court.

With the above observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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