

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5945 of 2019

Arising Out of PS. Case No.-307 Year-2018 Thana- SABAUR District- Bhagalpur

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Brajesh Prasad Singh @ Brajesh Kumar Singh @ Braj Bhushan Singh @ Braj Bhushan Sinha S/o Banarsi Prasad Sinha Vill-Khan Kita, P.S-Sabour, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj
For the Opposite Party/s : Mr. Mithlesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 29-03-2019 This is an application for grant of anticipatory bail in connection with Sabour P.S. Case No. 307 of 2018, disclosing offences under Sections 376(B) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

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

Submission of learned counsel for the petitioner is that medical report does not support the allegation against the petitioner and furthermore no independent witness has supported the case and there is land dispute between the parties and the petitioner is aged about 60 years.

Heard learned A.P.P. as well as learned counsel for the



informant, they have opposed the prayer for anticipatory bail of the petitioner stating that the statement of victim girl has been recorded under Section 164 Cr.P.C. in which she has supported the allegation against the petitioner.

Having heard both sides, in view of the nature of the allegation and statement of victim girl recorded under Section 164 Cr.P.C., in my opinion this is not a fit case to grant anticipatory bail to the petitioner, rather he should surrender and make prayer for regular bail, which will be considered on its own merit, without being prejudice by order of this Court.

Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

Amjad/-

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