

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8211 of 2019

Arising Out of PS. Case No.-256 Year-2018 Thana- DESARI District- Vaishali

Deepak Kumar Paswan Son of Heman Paswan Resident of Village and Post -
Sultanpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Advocate

For the Opposite Party/s : Md. Mushtaque Alam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 13-02-2019 Heard the parties.

The petitioner seeks anticipatory bail in connection with Desri P.S. Case No. 256 of 2018, registered for offences punishable under Sections 376 of the Indian Penal Code.

Allegation as per F.I.R. against the petitioner is of committing rape upon the informant, who is minor girl.

Submission of the learned counsel for the petitioner has falsely been implicated in this case and the medical report has not supported the prosecution case and no sexual activity has been found and there is contradiction between the written report and statement of the informant recorded under Section 164 Cr.P.C. and the petitioner has clean antecedent.

Learned A.P.P. opposes the prayer for bail.

Having heard both sides and recorded statement of



the victim under Section 164 Cr.P.C., who is minor as well as written statement, I am not inclined to grant bail to the petitioner, Accordingly, prayer of anticipatory bail is rejected with a direction to the petitioner that if the petitioner surrender before the court below within a period of four weeks from the date of order and make prayer for regular bail, which will be considered by the learned court below on its own merit without being prejudiced by this order of this Court.

This application is accordingly dismissed.

(Vinod Kumar Sinha, J)

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