

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13458 of 2019

Arising Out of PS. Case No.-147 Year-2017 Thana- CHAKAI District- Jamui

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Tinku Kumar Das, son of Sarwan Das, Resident of village-Fariyatdih P.S.-
Chakai, District-jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr.Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 08-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Chakai P.S. Case No.147 of 2017 for the offence punishable
under Sections 376, 313, 302, 34, 201 of the Indian Penal Code
and Section 4 of POSCO Act.

The allegation against the petitioner is that petitioner
allured the minor sister of informant giving her the promise of
marriage and committed rape upon the informant's sister based
upon the false promise and when the informant's sister became
pregnant, she was taken to Deoghar with the pretext that the
petitioner would marry her but the informant's sister was
admitted in hospital for the purpose of abortion and during the
course of abortion, the informant's sister as well as the unborn



child die. It has further been alleged that after death, the dead body of the informant's sister was buried near the jungle.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case inasmuch as after death of the deceased, he had informed the family members and with consent of the family members, the dead body was disposed. He further submits that petitioner has not committed any rape and on the contrary, he was in love with the deceased and the allegation of murder and rape is completely concocted and false.

On the other hand, learned counsel for the State submits that the petitioner's involvement is evident on the face of it inasmuch as the petitioner allured the minor girl aged about 15 years in the name of marriage and committed rape. The deceased was also taken on the false pretext of marriage to Deoghar and there the petitioner tried to get her pregnancy aborted through doctor and during the course of same deceased dies and with oblique motive her dead body was disposed by the petitioner.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that the petitioner has



committed rape upon minor girl on the basis of false pretext of marriage and the same was not consensual sex in the eye of law. Further after the death of the deceased, her dead body has been disposed in order to conceal and remove the evidence, accordingly, I am not inclined to grant anticipatory bail to the petitioner and the same is rejected.

(Anil Kumar Sinha, J)

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