

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32592 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- MAHILA P.S. District- Patna

1. Abhishek Singh, Aged about 22 years, Male, Son of Kamla Prasad Ray @ Kamal Singh Resident of Village - Dalipurganj, P.S.- Dinara, District- Rohtas at Sasaram
2. Ritik Kumar, Aged about 20 years, Male, Son of Kamla Prasad Ray @ Kamal Singh, Resident of Village - Dalipurganj, P.S.- Dinara, District- Rohtas at Sasaram
3. Kamal Singh @ Kamal Prasad Ray, Aged about 45 years, Male, Son of Sipahi Ray Resident of Village - Dalipurganj, P.S.- Dinara, District- Rohtas at Sasaram
4. Babita Devi, Aged about 42 years, Female, Wife of Kamal Singh @ Kamal Prasad Ray Resident of Village - Dalipurganj, P.S.- Dinara, District- Rohtas at Sasaram
5. Nibha Kumari, Aged about 23 years, Female, D/o- Kamal Singh @ Kamal Prasad Ray, Resident of Village - Dalipurganj, P.S.- Dinara, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan
For the Opposite Party/s : Mr. Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-05-2019 Heard both sides.

The petitioners apprehend their arrest in Mahila P.S. Case No.01 of 2019, registered under Sections 343, 341, 342, 323, 366, 354, 504, 506, 120(B), 376(D) and 328 of the Indian Penal Code.

The victim herself made allegation that while she was going to Mithapur Bus Stand, she was kidnapped by five



persons. She identified Golu Pradhan who happens to be the friend of Abhishek Singh, petitioner no.1. All the accused persons subjected her to all sorts of torture and kept her confined but some how she fled away in the morning of 02.01.2019 from the captivity of the accused persons. She disclosed that Abhishek Singh, his brother Ritik Singh, his mother and sister were always calling and threatening her. The accused persons committed rape with her one by one.

Learned counsel for the petitioners submits that the victim did not name the petitioner in her statement under Section 164 Cr.P.C. Now Abhishek has already solemnized marriage with the victim and the victim is residing with Abhishek Singh, petitioner no.1 but it appears from perusal of the FIR and the statement of the victim that the victim was kidnapped by Abhishek Singh and his friends. The victim disclosed that all committed rape with her one by one during the course of her captivity in the custody of the accused persons. Even in the statement recorded under Section 164 Cr.P.C. she disclosed that earlier Abhishek Singh caused accident in which she was injured and she remained hospitalized in PMCH.

Taking into consideration the facts and nature of allegations made against the petitioners, I am not inclined to



enlarge the petitioners on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

(Prabhat Kumar Jha, J)

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