

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36570 of 2019**

Arising Out of PS. Case No.-175 Year-2018 Thana- MAHILA P.S. District- Patna

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SRIKANT KUMAR @ SRIKANT PRAKASH Son of Mithla Sharan Singh  
Resident of Village and P.O.- Patharaht, P.S.- Dhanarua, District- Patna, at  
Present Resident of Parsa Bazar, P.S.- Parsa Bazar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Raj Nandan Prasad  
For the Opposite Party/s : Mr.Dr. Indihar Kumari

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

3      17-08-2019      The petitioner apprehends his arrest in connection with  
  
Mahila (Sachiwalaya) P.S.Case No. 175 of 2018 registered  
  
under Section 376 of the Indian Penal Code.

Allegation against the petitioner, as per FIR, is that  
  
petitioner entered into the room of the informant and tried to  
  
commit rape. It is further alleged that when informant resisted,  
  
petitioner administered some injection upon which she became  
  
unconscious and he committed rape upon her.

Learned counsel for the petitioner submits that petitioner  
  
has falsely been implicated in this case inasmuch as in her  
  
statement recorded under Section 164 Cr.P.C. on 20.11.2018,  
  
informant has not said anything about the fact that she was  
  
administered any intoxication or injection. Learned counsel



further submits that incident allegedly took place on 14.11.2018 but after lapse of four days, FIR has been lodged on 18.11.2018. Learned counsel further submits that medical report is not supporting the fact of rape upon the informant. Learned counsel, relying upon Annexure-3, submits that victim has also filed a declaration before the court of learned Magistrate, Patna stating therein that her mental balance was not correct and due to which she has lodged the case against the petitioner.

On the other hand, learned counsel appearing on behalf of the State submits that allegation against the petitioner is specific in the FIR as well as in the statement of the prosecutrix recorded under Section 164 Cr.P.C. and on the ground of minor discrepancy in the statement, it cannot be said that offence of rape has not been committed. Learned counsel further submits that Annexure-3 has been filed on 22.12.2018 i.e., after the statement of victim on 20.11.2018.

After having heard learned counsel for the parties and taking into consideration the fact that in the FIR, allegation is specific in the FIR against the petitioner and further the informant has supported the factum of rape in her statement recorded under Section 164 Cr.P.C. and the fact that declaration has been submitted by the victim after the 164 Cr.P.C. statement,



as such I am not inclined to grant anticipatory bail to the  
petitioner. Accordingly, the same is rejected.

**(Anil Kumar Sinha, J)**

sujit/-

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