

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37152 of 2019

Arising Out of PS. Case No.-176 Year-2018 Thana- MATIHANI District- Begusarai

SANTOSH KUMAR Son of Ram Pukar Tanti Resident of Village- Pannapur,
P.S.- Matihani, District- Begusarai- 851134

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur

For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 18-06-2019 Heard both sides.

The petitioner apprehends his arrest in Matihani P.S.
case No. 176 of 2018 registered under Section 376(g), 120(B),
366A of the IPC and u/s 4/8 of POCSO Act.

The informant, father of the victim, disclosed that his
daughter had gone to house of her maternal uncle on 07.12.2018
but she did not return. During the course of search his daughter
returned on 08.12.2018 and disclosed that petitioner along with
two other accused persons, namely, Sumit Kumar and Vivek
Kumar took her to the house of Awdhesh Rai situated in village
Rachiyahi Purana Tola and they all committed rape with the
victim. Awadhesh Rai and his wife threatened the victim.

The learned counsel for the petitioner submits that
victim made her statement under Section 164 of the Cr. P. C.



and at one place in her statement she disclosed that Vivek Kumar and Sumit Kumar committed rape with her but at another place she disclosed that petitioner and Sumit Kumar committed rape with her. The police after investigation submitted charge sheet u/s 354(B) of the IPC but it appears that victim made her statement disclosing the name of petitioner that petitioner and others after kidnapping the victim committed rape with her. The other accused persons have been granted regular bail.

Considering the facts aforesaid and the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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