

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69770 of 2018

Arising Out of PS. Case No.-898 Year-2018 Thana- BIHTA District- Patna

Manoj Kumar @ Manoj Mukhiya S/o Kameshwar Yadav @ Kameshwar Singh R/o Village-Kunjawa,P.S. Bihta,Distt.-Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Sinha
For the Opposite Party/s : Mr.J.K.Singh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 27-02-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 376(D), 506 IPC registered in connection with Bihta P.S. Case No. 898 of 2018.

3. It is submitted that the petitioner has been falsely implicated and there is considerable variation in the version of the informant. In the FIR she has specifically taken the name of the petitioner as one of the persons who has committed rape upon her apart from co-accused Arbind Kumar. It is three days after her fardbeyan, her statement has been recorded under Section 164 Cr.P.C. in which she has not identified the person to whose house co-accused Arbind Kumar had taken her and who had committed rape upon her. Subsequently in her petition dated 07.12.2018 filed before the learned Court below after about four months of the alleged occurrence she has stated that it was a case of false identity of the petitioner which came to know upon verification from the petitioner's wife after visiting his house with reference to his Aadhar Card and photograph. It



is submitted that even according to the FIR the petitioner's name had been taken by the informant on the basis of information given by co-accused Arbind Kumar.

4. Learned APP on the other hand vehemently opposes the anticipatory bail petition submitting that it is a case of gang rape in which there is direct accusation against the petitioner. It is further pointed out from the victim's statement under Section 164 Cr.P.C. that she had categorically stated that she was capable of recognising and identifying the petitioner. She has further stated that she had no objection for her medical examination. On the other hand, it transpires from para 59 of the case diary that her medical examination had already been made on 11.08.2018, two days prior to her deposition recorded on 13.08.2018. It is therefore, submitted that it is a clear case of tampering of witnesses and as such the petitioner does not deserve the privilege of anticipatory bail.

5. Having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner. Bail petition stands dismissed.

(Vikash Jain, J)

Chandran/BT

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