

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50167 of 2019

Arising Out of PS. Case No.-59 Year-2018 Thana- MAHILA P.S. District- Samastipur

VIKASH RAI @ VIKASH RAY @ VIKASH KUMAR Son of Late Bharat Rai @ Bhurat Roy Resident of Village- Manaray Tole, P.S.- Bibhutipur, District- Samastipur. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad
For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 21-10-2019 Heard learned counsel for the petitioner and learned APP representing the State.

The petitioner in this case is seeking anticipatory bail in connection with Mahila P.S. Case No. 59 of 2018 registered for the offence punishable under Section 376 of the Indian Penal Code.

Learned counsel for the petitioner submits that from reading of the FIR it would appear that it is indicating towards consent on the part of the informant to the extent that on the first day the informant did not disclose the name because she had been compelled to swear by the name of her daughter which cannot be believed.

Learned counsel for the State has opposed the prayer of anticipatory bail of the petitioner as according to him, the petitioner has indulged in committing rape on a married woman



who was residing in her house alone as her husband is said to be working outside the place.

In the given facts and circumstances where there is a specific allegation of commission of rape against the petitioner, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. His prayer is refused.

However, in case the petitioner surrenders and prays for regular bail before the court below within a period of four weeks from today his prayer for regular bail will be considered on its own merit without being prejudiced by the present order.

(Rajeev Ranjan Prasad, J)

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