

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49289 of 2019

Arising Out of PS. Case No.-71 Year-2019 Thana- MAHILA P.S. District- Nalanda

RITESH KUMAR Son of Jaynandan Ram Resident of Village - Dasturpur,
P.s.- Chandi, Dist.- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Raj Kishor Prasad
For the State	:	Mr.Nand Kishore Prasad
For the informant	:	Mr. Avinash

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 08-08-2019 Heard both sides.

The petitioner apprehends his arrest in Mahila P.S. case No. 71 of 2019 registered under Section 376, 504/34 of the IPC.

The victim alleged that on 28.05.2019 she was in her house and her father had gone to attend a marriage ceremony. Her father was running a small shop in his house. The petitioner came on the pretext of purchasing cigarette and match box and on the point of pistol he committed rape with the victim. On alarm many persons came and the petitioner fled away.

The learned counsel for the petitioner submits that the occurrence is said to have taken place on 28.05.2019 but the victim lodged the case after ten days, that is, on 07.06.2019.



There is no plausible explanation for such delay. It is further submitted that victim was examined by the doctor and the medical board did not find any sign of rape and on account of village politics the petitioner has falsely been implicated in the case but it appears that victim is a minor girl and she made specific allegation that petitioner entered into her shop on the pretext of purchasing cigarette and match box and on the point of pistol committed rape with her. Generally, in the case of rape victim is hesitant in lodging the case. The victim informed her father and the matter was reported to the villagers only thereafter the case was lodged. During the course of investigation also the victim reiterated her statement.

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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