

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49234 of 2019

Arising Out of PS. Case No.-14 Year-2019 Thana- MAHILA PS District- Jehanabad

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Avinash Kumar S/o Shashikant Sharma R/O Village- Mirzapur P.S.-
Shakurabag, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-08-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner apprehends his arrest in connection with Jehanabad Mahila P.S. Case No. 14 of 2019, registered under Section 376 (D) of the Indian Penal Code and Section 4 of POCSO Act.

The allegation against the petitioner is that her daughter had gone to the *Sasural* of another daughter in village Mirzapur and in the night of 16.03.2019, while she was returning alone, the daughter of the informant was forcibly taken in a cabin situated in a field and the petitioner committed rape upon her and other accused persons guarded the place of occurrence and helped the petitioner in committing rape.

Learned counsel for the petitioner submits that



petitioner has falsely been implicated in this case due to oblique motive, he further submits that the statement of victim girl has been recorded under Section 164 Cr.P.C., in which, she has supported the occurrence, but, has not named the petitioner. He further submits that the medical report also does not corroborate the allegation made against the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that the factum of rape has been narrated by the victim girl in her statement under Section 164 Cr.P.C. and further custodial interrogation of the petitioner is necessary, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, this application is dismissed.

(Anil Kumar Sinha, J)

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