

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52688 of 2019

Arising Out of PS. Case No.-222 Year-2019 Thana- BIHTA District- Patna

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Nilesh Kumar @ Nilesh Gupta, Aged about 33 years, Male, Son of Tuni Prasad Gupta @ Tuni Sao, Resident of Village - Khedalpura, P.S.- Bihta, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 23-08-2019 Heard both sides.

Petitioner apprehends his arrest in Bihta P.S. Case No.222 of 2019, registered under Sections 341, 323, 307, 354(B) and 34 of the Indian Penal Code and under Section 12 of the POCSO Act.

The mother of the victim named the petitioner along with three other accused persons and alleged that while her daughter was coming after examination, the petitioner and other accused persons dragged her from the vehicle within an intention to outrage her modesty. When her daughter objected, the petitioner and others brutally assaulted her and others when they made protest.

Learned counsel for the petitioner submits that the



victim herself made statement under Section 164 Cr.P.C. and she disclosed the names of only three persons, namely, Sunny, Dharmveer and Manish. The victim did not disclose the name of the petitioner but it appears that the mother of the victim is also an eye witness of the occurrence and the mother of the victim disclosed the name of the petitioner as one of the persons who dragged her daughter outside the vehicle with an intention to outrage her modesty and when protest was made, the petitioner and others not only assaulted the victim but also Raj Kumar Singh and others who got injuries.

Having considered the fact that in a broad day light the petitioner and others are alleged to have dragged the victim from the vehicle with an intention to outrage the modesty and assaulted her, I am not inclined to enlarge the petitioner on anticipatory bail.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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