

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.369 of 2020

Arising Out of PS. Case No.-150 Year-2019 Thana- MAHILA P.S. District- Araria

Dilip Baski @ Dilip Basko, aged 23 years, (M), Son of Dinesh Baski Resident
of Village - Majhuwa, West, P.S.- Raniganj, Distt - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh

For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 25-02-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is apprehending his arrest
in connection with Araria (Mahila) P.S. Case No. 150 of 2019
registered for offences under sections 376, 379, 341, 323, 448 of
the Indian Penal Code.

It has been alleged that on the last night, the
petitioner committed rape upon the Informant and, in the morning,
when she was coming out from her house, she saw that Mukesh
Kisku and Manish Kisku were taking away the articles from the
shop. When she objected, in turn, all the three persons laid her on
the ground, on raising alarm, Vivek Rishideo came there,
whereafter, all the three persons fled away.

The victim girl has appeared before the Magistrate
and made her statement under Section 164 of the Cr.P.C.



supporting her claim.

Learned counsel for the petitioner submits that all the independent witnesses have stated that this case has been lodged on account of land dispute and, in order to settle the score, the present case has been instituted. He further submits that the F.I.R. has been lodged after three days of the alleged occurrence but, in such cases, the delay has a little role to play in the matter when the victim girl herself has come before the Magistrate and made her statement under Section 164 of the Cr.P.C.

Looking to the statement of the victim girl made before the Magistrate under Section 164 Cr.P.C., this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

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

If the petitioner surrenders before the court below within a period of three months from today and prays for bail, the court below, without being prejudiced by this order, will take a decision in accordance with law preferably on the same day of appearance.

(Shivaji Pandey, J)

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