

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2685 of 2020

Arising Out of PS. Case No.-36 Year-2015 Thana- MAHILA PS District- Gopalganj

VIVEK SINGH Son of Sanjay Singh Resident of Village - Goplamath, Police
Station - Thawe, District - Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Prakash Sharma
For the Opposite Party/s : Mr. Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 376/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report of Anwari Khatoon submitted before the Station House Officer, Gopalganj Mahila Police Station is to the effect that on 03.07.2015 at 12.00 P.M., the informant's disabled and dumb daughter, Tunni Khatoon was ravished by the petitioner and co-accused, Anil Kumar Yadav. Though co-accused, Ail Kumar Yadav were apprehended on spot, but the petitioner escaped from the scene.

It is submitted by learned counsel for the petitioner



that in a full-fledged trial, being Sessions Trial No. 50 of 2016, the co-accused Anil Kumar Yadav, has been acquitted vide order dated 22nd July, 2016, passed by the learned ADJ-I, Gopalganj. It is further submitted that the petitioner was not aware about lodging of the present case against him, since he had gone abroad to earn his livelihood. Moreover, no process has ever been served upon him.

It is submitted by learned APP for the State that the petitioner is named in the FIR with specific accusation.

Considering the fact that the FIR was registered in the year 2015 and the petitioner has preferred the present application in the year 2020, this Court is not inclined to release him on anticipatory bail.

However, keeping in view of the fact that co-accused, Anil Kumar Yadav, after facing trial, have been acquitted by the learned Court below, it is a case for consideration of prayer for regular bail.

Let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection Gopalganj (Mahila) P.S. Case No. 36 of 2015, pending before the learned SDJM, Gopalganj.



With the above observation, this application is,
accordingly, disposed of.

(Dinesh Kumar Singh, J)

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