

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6060 of 2020**

Arising Out of PS. Case No.-64 Year-2019 Thana- MAHILA PS District- Buxar

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ABHISHEK KUMAR @ ABHISHEK THAKUR Son of Ram Darash Thakur
Resident of Village - Gangauli, P.S.- Simri, Distt - Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashwini Kumar Rai, Adv.

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 07-07-2020 Heard learned counsel for the petitioner and learned APP
for the State.

The case diary is available on the record and the Court has
perused the same.

The petitioner in the present case is seeking anticipatory
bail in connection with POCSO 47/2019 arising out of Buxar
(Mahila) P.S. Case No.64 of 2019 registered for the offences
punishable under Sections 376(D), 506 and 313 of the Indian Penal
Code and Section 4 of the Protection of Children from Sexual
Offence Act.

It is alleged in the First Informant Report lodged by the
victim girl that on 22.06.2019 at about 6.00 pm while she has gone
for defecation the petitioner and the co-accused both had taken her
near a bridge and they committed rape on her one after one. They had



also threatened the informant that on disclosure they will kill her. Therefore, it is alleged that due to said threat she had not disclosed this occurrence to anyone. The informant thereafter alleged that when she became pregnant then she told this fact to the petitioner and the co-accused thereafter both of them took her on a motorcycle to Dumraon Hospital where abortion was done and thereafter she was dropped in her house, but because she was in serious pain and was bleeding she disclosed this fact to her mother to brought her to Sadar Hospital, Buxar.

Learned counsel for the petitioner submits that although in the FIR the age of victim girl is stated to be 16 years, but in the medical examination board her age has been assessed at about 20-21 years. He submits that it is a case of false implication, no rape has been committed with the victim and that there is no hospital in the name of Langtu Mahadeo Hospital at Dumaron.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner as it is submitted that the victim girl has made specific allegation against this petitioner and then she has supported her case in course of her statement under Section 164 Cr.P.C.

Having regard to the facts and circumstances of the case, considering that there is a specific allegation that this petitioner along with co-accused had forcibly taken the victim girl near a bridge and committed rape and then threatened also and in course of



investigation as it appears from the case diary the victim girl has identified the hospital which is Sanjivani Clinical Hospital and had also identified the room and the nurse present there who had given effect to the abortion, in the nature of the allegations and the materials present on the record, I am not inclined to grant privilege of anticipatory bail to the petitioner. This application is dismissed.

In case, the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit and on the basis of the materials available on the record without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

