

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7108 of 2020

Arising Out of PS. Case No.-73 Year-2019 Thana- MAHILA P.S. District- Kaimur (Bhabua)

BIPUL KUMAR RAY @ MANISH RAY Son of Daya Shankar Rai Resident
of Village - Ruiyan, P.S. - Bhabua, District - Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Parwej Khan, Advocate
For the Opposite Party/s : Mr Prem Kumar Jha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

4 04-09-2020

As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner apprehends arrest in connection with Mahila (Bhabua) Police Station (for brevity, *PS*) Case No 73 of 2019 instituted for the offence punishable under Section(s) 341, 323, 354D, 366A, 376D, 511/34 of Indian Penal Code and Section 4 of Prevention of Children from Sexual Offences Act.



The prosecution case in the first information report (for brevity, FIR) is substantially to the effect that the three persons have taken away the informant (Minor) and tried to commit rape. It is alleged that she has also been assaulted but somehow managed to free herself.

Learned counsel for the petitioner submits that petitioner has not been named in the FIR or in the statement of the victim recorded under Section 164 of Criminal Procedure Code. It is the co-accused who has stated the name of the petitioner and on such basis, he is apprehending his arrest. The statement of co-accused has no evidentiary value.

The learned APP for the State has opposed the prayer for anticipatory bail. It is submitted that two cases are pending against the petitioner from before. The criminal antecedents, coupled with the seriousness of the allegation levelled against him, do not make out a case for grant of anticipatory bail to the petitioner.

Considering the aforesaid facts, prayer of petitioner for grant of anticipatory bail is rejected.

(Madhuresh Prasad, J)

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