

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14478 of 2020

Arising Out of PS. Case No.-60 Year-2019 Thana- MAHILA P.S. District- Samastipur

DEEPAK RAY @ DEEPAK RAI Son of Bindeshwar Ray Resident of
Village-Rupali Godaha, P.S.-Musharigharari, District-Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Narayan Roy

For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Murli Dhar, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Mahila P.S. Case No. 60 of 2019 for the offence registered under Sections 376, 341, 323, 504/34 of the Indian Penal Code.

The accusation against the petitioner is of commission of rape with the informant while she was alone in her house.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that a compromise has been arrived at in between the parties, hence this court may be pleased to grant the privilege of anticipatory bail to the petitioner herein.



Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and gone through the materials on record and it is apparent from the FIR that a direct allegation of commission of heinous crime of rape has been levelled against the petitioner herein and moreover, the learned Sessions Judge, Samastipur in the impugned order dated 22.01.2020 has taken note of the statement made by the victim lady under Section 164 Cr.P.C. before the learned Magistrate wherein she has supported the factum of commission of rape upon her by making specific allegation against the petitioner herein.

Considering the gravity of the offence alleged and the heinous nature of the crime alleged to have been committed by the petitioner herein duly supported by the victim lady in her statement made under Section 164 Cr.P.C. before the learned Magistrate, I do not find the present case to be a fit case for extending the privilege of anticipatory bail to the petitioner herein, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

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