

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24338 of 2020

Arising Out of PS. Case No.-109 Year-2015 Thana- BAUSI District- Araria

=====

DHARMPAL RISHIDEO S/o Virasan Rishidev @ Birsan Risideo Resident of
Village-Nandanpur Devasthal ward no.14, Police Station- Bounsi, District-
Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-09-2020 Heard Mr. Mukesh Kumar Rana, learned counsel for

the petitioner and Mr. Md. Nazir Ansari, learned A.P.P.

appearing for the State through video conferencing.

Petitioner apprehends his arrest in connection with

Bounsi P.S. Case No. 109 of 2015 registered for the offence

under Section 363 / 366 (A) / 120 (B) of the I.P.C.

The prosecution story as per the First Information

Report is that the minor daughter of the informant was abducted

by Pappu Rishideo, Bhallu Rishideo, Anku Rishideo and Gopal

Rishideo on gun point.

Learned counsel for the petitioner submits that

petitioner is not named in the F.I.R. Learned counsel referring to

Annexure -2 which is the statement recorded under Section 164



of the Cr.P.C. of the victim girl submits that though the victim girl has disclosed the name of the petitioner as one of the accused persons who abducted her and committed rape but Police after investigation exonerated the petitioner along with three others and did not send the petitioner and others for trial. Learned counsel further submits that learned Magistrate has differed with the Police report and has taken cognizance against the petitioner under Section 363 / 366 A of the I.P.C. Learned counsel further submits that anticipatory bail of similarly situated co-accused persons was allowed by this court in Cr. Misc. No. 46054 of 2017 & Cr. Misc. No. 29543 of 2017.

Having heard learned counsel for the parties and taking into consideration the materials available on record, the fact that petitioner has filed this application for anticipatory bail after more than five years from the date of lodging of the F.I.R. and after three years from the date of grant of anticipatory bail to the similarly situated co-accused persons , I am not inclined to grant anticipatory bail to the petitioner at this belated stage and the same is rejected.

However, if the petitioner surrenders before the learned court below within three weeks from today and files regular bail application, the same may be considered on its own



merit without being prejudiced to the fact that this court has rejected this application for anticipatory bail filed by the petitioner.

(Anil Kumar Sinha, J)

praful/-

U		T	
---	--	---	--

