

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1623 of 2020

Arising Out of PS. Case No.-85 Year-2020 Thana- PARSA District- Saran

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PRADEEP RAI, Son of Abhi Rai @ Abhy Ray, Resident of Village -
Parsauna, Police Station - Parsa, District - Saran (Chapra).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sachida Nand Rai, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-11-2020 Heard learned counsel for the parties through video conferencing.

The present appeal is directed against the order dated 19.05.2020, passed by learned Additional District and Sessions Judge-I-cum-Special Judge, SC/ST, Saran at Chapra in a case registered for the offence punishable under Section 376(G) of the Indian Penal Code, Sections 4 and 6 of the Protection of Children From Sexual Offences Act and Section 3 (i) (w) (I) and 3 (2) (v) of the SC/ST (Prevention of Atrocities) Act, whereby anticipatory bail of the appellant has been rejected.

As per the prosecution case, on 31.03.2020 at about 1:00 PM, co-appellant, Raju Rai, forcibly committed rape with the victim girl and this appellant along with other co-appellant were watching the incident.



Learned counsel for the appellant submits that this appellant has been named in the F.I.R., but the victim has not named the appellant in her statement under Section 164 Cr.P.C.

Learned counsel for the State on the other hand opposes the prayer for bail and submits that the victim has stated in her statement under Section 164 Cr.P.C. that this appellant along with the other co-appellant were keeping watch over the incident and the doctor has assessed the age of the victim girl to be between 16 to 17 years.

Having regard to the submissions made by the parties and taking into consideration the materials available on record and the nature of allegation, I am not inclined to grant anticipatory bail to the appellant.

Hence, the appeal stands rejected.

(Prabhat Kumar Singh, J)

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