

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24534 of 2020

Arising Out of PS. Case No.-242 Year-2019 Thana- FATEHPUR District- Gaya

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1. BALRUPI KUMAR @ BALRUP KUMAR S/o Bineshwar Yadav Resident of Village-Simrahi, P.S.-Tankuppa, District-Gaya.
 2. Vikash Chaudhari @ Vikash Kumar Son of Nandu Chaudhari Resident of Village-Simrahi, P.S.-Tankuppa, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-11-2020 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

Heard both parties.

The petitioners apprehend their arrest in Fatehpur P.S. Case No. 242 of 2019, registered for the offences punishable under Sections 376(A)(B), 506, 120(B) and 34 of the Indian Penal Code and section 8 of the POCSO Act.

Prosecution case in brief is that on 28.10.2019 at about 11.00 in the night, while the informant (minor) was sleeping in her house and her mother had gone to participate in Lakshmi Puja. In the meantime, four accused persons entered



into her house and took her at river side and one of them committed rape with her and rest three accused were snapping photographs and fled away.

It is submitted on behalf of petitioners that petitioners have falsely been implicated in this case. The victim girl has not taken her name in her statement under Section 164 Cr.P.C. Specific allegation of committing rape is against co-accused Ajeet. Petitioners have got no criminal antecedent as stated in para 3 of the petition.

Counsel for the State vehemently opposed the prayer for bail and submitted that prosecution case is fully supported by the victim girl in her statement under Section 164 Cr.P.C. and from the medical report it appears that the age of girl is between 15 to 16 years. Petitioners are alleged to have taken photographs of the occurrence.

Considering the facts aforesaid and gravity of offence, I am not inclined to enlarge the petitioners above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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