

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16446 of 2020

Arising Out of PS. Case No.-6 Year-2020 Thana- BHORE District- Gopalganj

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DINESHWAR KUSHWAHA @ DAHARI @ DINESHWAR KUMAR @
DAHARI Son of Praduman Kushwaha @ Pradumar Bhagat Resident of
Village - Bhanpur, Police Station - Bhore, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghav Prasad

For the Opposite Party/s : Mr.Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 09-02-2021 Heard both sides.

The petitioner apprehends his arrest in Bhore P.S.
Case No.6 of 2020 registered under Sections 376, 511 of the
Indian Penal Code and under Sections 4 and 8 of POCSO Act.

The victim in her statement alleged that while she had
gone to graze her goat, one boy namely, Dineshwar Kushwaha
@ Dahari came and pressed her mouth. The boy made an
attempt to commit rape with her after pressing her private parts.
On alarm, the boy fled away.

The learned counsel for the petitioner submits that
victim of course named the petitioner in her statement on the
basis of which the F.I.R. was registered but she made her
statement under Section 164 Cr.P.C. two days after the



occurrence and she disclosed that she came to know about the name of the petitioner from the boys present there. During the course of investigation, the investigating officer has not taken the statement of any of the boys who are said to be present at the place of occurrence but I find that victim herself made her statement immediately after the occurrence and disclosed the name of the petitioner that it was petitioner who dragged her after pressing her mouth and made an attempt to commit rape with her. Thereafter, after two days of the occurrence, she made her statement under Section 164 Cr.P.C. and she disclosed that she came to know about the name of the petitioner from the boys present there.

Taking into consideration the facts aforesaid and nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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