

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7290 of 2021

Arising Out of PS. Case No.-63 Year-2020 Thana- MOTIPUR District- Muzaffarpur

1. RAJNISH @ LALU KUMAR S/o Sri Shrikishor Chandravanshi R/o Village- Senduari Purshottam, P.S.- Motipur, District- Muzaffarpur.
2. Ankur Kumar S/o Sri Sunil Mahto R/o Village- Senduari Purshottam, P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Verma, Adv.

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 07-12-2021

Heard.

The petitioners apprehend their arrest in connection with Motipur P.S. Case No. 63 of 2020 dated 14.03.2020 for the offence punishable under sections 376(D) of the Indian Penal Code and Section 4 of the POCSO Act.

The petitioners are alleged to have raped the victim girl.

The learned counsel for the petitioners has submitted that the FIR has been filed belatedly after ten days and the medical report does not suggest that the hymen has been torn. It is further submitted that on account of village rivalry, the petitioners have been falsely made accused in the present case.



Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail and has submitted that in each and every case of rape it is not necessary that the hymen may be found torn.

Having regard to the facts and circumstances of the case and taking into account the materials available on record, this Court finds that in view of the heinous crime alleged to have been committed by the petitioners, no case is made out for grant of anticipatory bail, especially in view of the fact that the victim girl has supported the allegations levelled against the petitioners, in her statement made under section 164 Cr. P.C. before the Ld. Magistrate, as has been recorded by the Ld. Court below in the impugned order dated 19.06.2020. Thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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