

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30167 of 2020**

Arising Out of PS. Case No.-214 Year-2019 Thana- KORHA District- Katihar

=====

RAHUL KUMAR SINGH @ RAHUL KUMAR S/O- Ramesh Prasad Singh
Resident of Vill. - Kushwaha Tola (Durgapur), P.S. - Semapur (Barari), Distt.
- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 07-04-2021 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner, in the present case, is seeking pre-arrest bail
in connection with Korha P.S. Case No. 214/2019 registered for
the offence under Section 363/366(A)/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per
the prosecution story the victim girl had been allured and taken
away by this petitioner and the co-accused Rabindra Kumar. The
informant who happens to be the father of the victim girl alleged
that he came to know that his daughter had been taken away by the
accused persons. In the F.I.R. it is alleged that the occurrence had
taken place on 10.06.2019 at about 8:00 A.M. when the informant
and his wife had gone outside there house for some work. In the
same F.I.R., it is stated that the daughter of the informant had



returned on the same day at 4:00 P.M. She disclosed that two boys named in the F.I.R. had taken her away forcibly.

Learned counsel submits that although the victim girl had reportedly returned on the same day, when she was examined by the Investigating Officer on 11.06.2019, she made a statement that she was taken away by the two boys on a motorcycle on 04.06.2019 by making her unconscious. Thereafter, she was taken to Karnal by a train where she was kept for five days and the co-accused Rabindra Kumar was indulging in sexual act with the victim girl. She was left by said Rabindra Kumar at Gerabari Chowk on 10.06.2019 at 3:00 P.M. whereafter she reached Korha Police Station directly.

Learned counsel submits that there is a sea difference between the statement of the informant and the victim girl. The F.I.R. does not explain as to why the alleged occurrence was not reported to police.

It is further submitted that in any case the allegation of commission of sexual act is against the co-accused Rabindra Kumar who is in judicial custody.

On the other hand, learned A.P.P. submits that even though there is no allegation against the petitioner that he had indulged in commission of any sexual act against the victim girl, the victim girl has named this petitioner as an accomplice of the



co-accused Rabindra Kumar. The case has been found true against the petitioner as well.

Having regard to the facts and circumstances of the case, there being an allegation of participation of the petitioner in the alleged occurrence, though there is no allegation that he had indulged in commission of any sexual act, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is, thus, refused.

Considering the facts and circumstances of the case, this Court would observe that in case the petitioner surrenders and prays for regular bail within a period of four weeks from today his prayer for regular bail shall be considered on its own merit keeping in view the submissions of the petitioner which have been taken note of hereinabove besides all such pleas which will be taken before the learned court below.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

