

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11236 of 2020

Arising Out of PS. Case No.-223 Year-2019 Thana- GHANSHYAMPUR District- Darbhanga

Ravi Prakash @ Ravi Prakash Singh @ Subham Singh Son of Sanjay Singh
Resident of Village - Haripur, P.S.- Ghanshyampur, Distt - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 32100 of 2020

Arising Out of PS. Case No.-223 Year-2019 Thana- GHANSHYAMPUR District- Darbhanga

Amod Kamti @ Amod Kumar Kamati S/o Dinesh Kamti @ Dineshwar
Kamati R/v-Haripur Badhiya, P.S.- Ghanshyampur, District-Darbhangha.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 11236 of 2020)

For the Petitioner : Ms. Aprajita, Advocate

For the State : Mr. Raj Ballabh Singh, APP

(In CRIMINAL MISCELLANEOUS No. 32100 of 2020)

For the Petitioner : Mr. Ajay Kumar, Advocate

For the State : Mr. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 26-10-2021 Heard the parties.

Since both the anticipatory bail applications arise out of Ghanshyampur P.S. Case No. 223 of 2019, they have been heard together and are being disposed of by this common order.

Petitioners apprehend their arrest in connection with Ghanshyampur P.S. Case No. 223 of 2019 registered for the offences under Sections 363, 365 and 34 of the Indian Penal



Code.

As per the prosecution case, the victim girl was forcibly taken away by these two petitioners and other accused persons on a motorcycle to the orchard where rape was committed by accused Vikash Kumar Singh and the petitioners are standing there.

The contention of the petitioners is that they are innocent and petitioner (Ravi Prakash @ Ravi Prakash Singh @ Subham Singh) has some previous enmity with the informant which is apparent from Annexure-2.

Learned APP for the State has taken to the Court through various statements of the witnesses including the statement of victim girl recorded under Section 164 of the Cr.P.C in the case diary. It is an admitted case that the victim girl is a minor and she was forcibly taken away by the accused persons and she was raped by them.

Under these circumstances, this is not a fit case for grant of anticipatory bail to the petitioners. Therefore, their prayer for anticipatory bail is hereby rejected.

From reading of the first information report and the medical report it appears that the victim is a minor but no offence under the provision of POCSO Act has been registered



by the police.

Senior Superintendent of Police, Darbhanga is directed to look into the matter and if he finds that POCSO Act is applicable in the case then the Investigating Officer may be directed to get the POCSO Act added and the case may be transferred to the Special Court constituted under the POCSO Act. Compliance report by Sr. Superintendent of Police, Darbhanga may be filed after two weeks.

Put up these cases on 16.11.2021.

Let a copy of this order be communicated to the Senior Superintendent of Police, Darbhanga through FAX message at the earliest.

(Sandeep Kumar, J)

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