

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39739 of 2020

Arising Out of PS. Case No.-9 Year-2020 Thana- MAHILA PS District- Khagaria

1. NITISH KUMAR Son of Devan Yadav Resident of Village- New Bangaliya, P.S.- Mansi, Distt- Khagaria.
2. MANISH YADAV S/o Rambadan Yadav @ Lamboddar Yadav Resident of Village- New Bangaliya, P.S.- Mansi, Distt- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-09-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in Khagaria (Mahila) P.S. Case No. 09/2020 registered under Sections 376(D) of the Indian Penal Code and 4 of POCSO Act.

The prosecution allegation, in short, is that while the daughter of the informant was sleeping along with family members, the accused persons entered into her house and on the point of pistol, forcibly taken her and committed rape on her.



It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It has further been submitted that the medical examination report of the victim does not support the allegation made in the F.I.R. The petitioners have been made accused for oblique reasons.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R. The petitioners along with others had taken the victim on gun point and thereafter gang rape was committed upon the victim. The statement of the victim supports the allegation of commission of rape.

Considering the nature of accusation, I am not inclined to grant anticipatory bail to the petitioners. Prayer is rejected. However, if the petitioners surrender in the Court below and pray for bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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