

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5513 of 2021

Arising Out of PS. Case No.-101 Year-2020 Thana- SONBERSA District- Sitamarhi

1. RAKESH KUMAR Son of Ram Nandan Rai @ Ram Nandan Ray Resident of Village- Basatpur, Ward No. -7, P.S.- Sonbarsa, District- Sitamarhi (Bihar).
2. Ram Pavitra Rai @ Ram Pavitra Ray Son of Ram Nandan Rai @ Ram Nandan Ray Resident of Village- Basatpur, Ward No. -7, P.S.- Sonbarsa, District- Sitamarhi (Bihar).
3. Suresh Rai @ Suresh Ray @ Suresh Kumar Son of Ram Nandan Rai @ Ram Nandan Ray Resident of Village- Basatpur, Ward No. -7, P.S.- Sonbarsa, District- Sitamarhi (Bihar).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 22-12-2021 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners are expected to honour their undertaking to remove the defects, as pointed out by the office, when called upon to do so by the office.

The petitioners are apprehending their arrest in connection with Sonbarsa P.S. Case No. 101 of 2020 for the offence registered under Sections 341, 323, 325, 324, 379, 363, 366(A), 504 and 506/34 of the Indian Penal Code.

It is a case of abduction of a minor girl namely, Nagina Kumari, aged about 16 years.

Learned counsel for the petitioners submits that the



petitioners have falsely been implicated in the present case. It is further submitted that the petitioners have no criminal antecedent. It is further submitted that the allegation of committing rape is against co-accused, Shailendra and not against these petitioners.

Learned counsel for the State on perusal of the case diary submits that the victim girl in her statement recorded under Section 164 Cr.P.C. stated that the present petitioners along with others forcefully took her in the vehicle and when she opposed petitioner, Rakesh Kumar, on the point of pistol threatened her of dire consequences. Thereafter, the victim girl was brought to Nepal by accused persons including the petitioners and, was confined in a room. It is further stated by her that except co-accused shailendra, all other accused persons went from there and said Shailendra used to assault her sexually forcibly, as a result of which, she became pregnant. Hence, it is not a fit case for anticipatory bail

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioners. It is, accordingly, rejected.

(Sunil Kumar Panwar, J)

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