

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7573 of 2021

Arising Out of PS. Case No.-162 Year-2020 Thana- RAJIVNAGAR District- Patna

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Anshu Kumar @ Karu, Son of Sanjay Ram, Village- Sampat Chak, Manpur,
Bariya, P.S.- Gopalpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-08-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 376(D), 341, 342, 366A of
the Indian Penal Code and Section 4/6 of the POCSO Act.

The prosecution case, in brief, is that the informant
victim aged 14 years was returning after finishing off her work
when Raushan Kumar aged 20 years stopped her on the way
alongwith two other friends and took her to a nearby place
where all the three forcefully raped her. In the process one
Vikash also came over there and he too called his two other
friends including the petitioner and these three also took her to
another nearby place where they raped her. On hulla people
reached over there when the accused persons fled away.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the FIR. On the basis of confessional statement of co-accused, petitioner has been made accused in this case. From bare perusal of the FIR, it would be evident that on the alleged date of occurrence the informant went with one Raushan Kumar by her own sweet will. The victim girl was examined by the doctor and the doctor has not found any external or internal injury either on her body or even her private part, though the age of the victim was found in between 14-16 years. The petitioner is in jail custody since 01.06.2020. The petitioner has no criminal antecedent which is mentioned in para 3 of the bail petition.

Learned APP for the State vehemently opposed the prayer for bail petition and submits that the police has filed charge sheet into the matter and the nature of offence amounts to gang rape, that the petitioner is major in age who has committed rape with a minor girl doing the job of a maid servant. The victim girl in her statement recorded under Section 164 Cr.P.C. had stated that she has been gang raped.

Considering the aforesaid facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail.



Accordingly, the prayer for bail of the petitioner is rejected in connection with Special Case No.101/2020 arising out of Rajiv Nagar P.S. Case No. 162/2020 from the Court of learned A.D.J.-1st, Patna, District-Patna.

Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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