

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8954 of 2021

Arising Out of PS. Case No.-33 Year-2020 Thana- BEERPUR District- Begusarai

RAM KUMAR SAHANI S/o Ram Chandra Sahni Resident of Village -
Lakshminpur Saraunja, Ward No. 5, P.S. - Birpur, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ravindra Kumar, Advocate
For the Opposite Party/s :	Mr. Akbar Ali, APP
For the Informant :	Mr. Deepak Kumar Singh Chauhan, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 17-12-2021 Heard Mr. Ravindra Kumar, learned Advocate
for the petitioner and Mr. Deepak Kumar Singh
Chauhan, learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Birpur P.S. Case No. 33 of 2020 dated 23.03.2020 instituted for the offences under Sections 376/34 of the Indian Penal Code and Section 4/8/12 of the Protection of Children from Sexual Offences Act, 2012.

The petitioner and two others are said to have teased the daughter of the informant. Later, one Vivek Kumar, a co-accused is said to have attempted to rape her. The petitioner and another are then said to have gagged the victim.

The learned counsel for the petitioner has



submitted that there has been a delay of eight days in lodging the FIR which itself is indicative of the fact that the FIR has been lodged after due consultation and confabulation.

The learned counsel for the petitioner has further submitted that the person against whom the charge of rape has been hurled, is an agnate of the informant whereas the victim and the petitioner is only a daily wage labourer working with somebody else. For some reason or the other, he too has been roped in this case.

The learned counsel for the petitioner has further submitted that there is some variance in the statement made by the victim girl in her 164 statement, and the FIR. The medical board has assessed her age to be 17 to 19 years.

None of these grounds weigh with this Court for granting anticipatory bail to the petitioner in view of the allegations in the FIR.

Accordingly, the prayer for anticipatory bail is rejected.

(Ashutosh Kumar, J)

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