

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 3667 of 2022

Arising Out of PS. Case No.-157 Year-2021 Thana- BITHAN BAZAR District- Samastipur

KAPILDEV PURVEY @ KAPILDEV MAHTO @ KAPIL PURVEY Son of
Raghunandan Purvey Resident of Village - Ward No.01, Batardiha, P.s.-
Bithan, Distt.- Samstipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi

For the Opposite Party/s : Mr.Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 11-08-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioner as well as
Mr. Shailendra Kumar, the learned Additional Public Prosecutor
for the State.

The petitioner apprehends his arrest in connection with
Bithan P.S. Case No. 157 of 2021 registered for offence punishable
under sections 456, 376, 341, 354, 504, 506/34 of the Indian Penal
Code.

The prosecutrix, who is a lady of thirty years, was
plucking flowers from the garden of the petitioner, who caught her
hold, dragged her in a room and committed rape on her. He also
abused her in filthy words.



The learned counsel for the petitioner has submitted that the petitioner is an old person of 69 years, whereas the victim is aged about 30 years. He has submitted further that the petitioner is innocent and has falsely been implicated in this case. He has also submitted that the victim has filed an affidavit in which she did not support the occurrence.

On the other hand, Mr. Shailendra Kumar, the learned APP has submitted that there is allegation against the petitioner that he committed rape upon the prosecutrix and in her statement recorded under section 164 of the Code of Criminal Procedure she has supported the entire occurrence.

From perusal of the order of the learned Additional Sessions Judge-I, Samastipur, it appears that some materials have emerged in CCTV footage. The investigation is going on. As such, the petitioner does not deserve the privileges for anticipatory bail. Accordingly, his prayer for anticipatory bail is rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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