

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26785 of 2021**

Arising Out of PS. Case No.-266 Year-2020 Thana- MANIGACHI District- Darbhanga

PURUSHOTTAM KUMAR THAKUR @ PURUSHUTTAM KUMAR THAKUR, aged about 18 years, S/o Rajaram Thakur, R/o village-Narayanpur, P.S.- Manigachhi (Nehra O.P.), District- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Kanchan Jha, Advocate
For the Opposite Party : Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-02-2022 Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

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

The petitioner is apprehending his arrest in connection with Manigachhi P.S. (Nehra O.P.) Case No. 266 of 2020 for the offence registered under Sections 323, 324, 341 and 376(M)/34 of the I.P.C.

The prosecution story, in brief, is that on 24.10.2020 at about 7.00 P.M., when the mother and sister of the informant



had gone in *Durga Puja Aarti* and the informant was preparing food in the light of Emergency Light in absence of electric line, three boys came there and assaulted on her head and among the three boys the petitioner was also one of the participants and the informant became unconscious and the informant in unconscious condition was brought to some other place in injured condition and on gaining consciousness all the three boys assaulted her and by using force, committed rape with her. It is further alleged that one person on Motorcycle was passing from there who stayed there and the culprits on giving serious threatening to the informant and her sister fled away and the informant returned to her house.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The present case has been instituted after six days of the alleged occurrence. It has further been submitted that the medical examination report of the informant does not support the allegation made in the F.I.R. There was love affairs between the parties but since the marriage was opposed by the parents, marriage could not take place and hence, the present case has



been instituted.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. The victim has identified the petitioner in course of occurrence. The statement of the victim has been recorded under Section 164 of Cr. P.C. in which specific allegation of commission of rape is alleged against the petitioner. She was further subjected to physical abuse also by the accused persons.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Manigachhi P.S. (Nehra O.P.) Case No. 266 of 2020, pending in the court of learned A.C.J.M. V, Darbhanga.

If the petitioner surrenders in the learned court below and prays for regular bail, the same shall be considered by the learned court below on its own merit without being prejudiced by this order of the Court.

(Sudhir Singh, J)

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