

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27849 of 2022

Arising Out of PS. Case No.-49 Year-2021 Thana- LAXMIPUR District- Jamui

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1. SANJAY RAJAK @ SANJAY KR. RAJAK SON OF LATE NAKUL RAJAK R/O- RATANPUR, P.S.- GIDDAUR, DISTRICT- JAMUI
 2. DIPAK RAJAK SON OF PRAMOD RAJAK R/O- MAKANPUR, P.S.- SANGRAMPUR, DISTRICT- MUNGER
 3. RAJA RAJAK @ RAJ KAMAL @ RAJ KUMAR SON OF BABBAN RAJA R/O- LAXMIPUR, P.S.- LAXMIPUR, DISTRICT- JAMUI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh
For the Opposite Party/s : Mr. Atul Chandra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-09-2022 Heard learned counsel for the petitioners and learned APP
for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable under sections 493, 376/34 of the Indian Penal Code.

Allegedly, accused Gautam Rajak entered the house of the informant and raped her. Thereafter, he promised to marry



her and induced her to go with him. The informant went with the accused to Jha Jha where his brother-in-law Sanjay Rajak, Deepak Rajak and nephew Raja Rajak took them to Ratanpur and married the informant with Gautam Rajak. The aforesaid occurrence was done with the intention that the informant shall not file any criminal case for her rape.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to dirty village politics. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. He further submits that the medical board has identified the age of the victim as 18-19 years. The victim in her statement recorded under section 164 Cr.P.C. has admitted about her affair and marriage. Petitioners have no criminal antecedent, which is also mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail and submits that the victim was a minor at the time of occurrence, which is also evident from the impugned order.



Having regard to the facts and circumstances of the case, since the victim was a minor at the time of occurrence, I am not inclined to grant bail to the petitioners. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

This application is accordingly, dismissed.

(Anjani Kumar Sharan, J)

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