

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38995 of 2021**

Arising Out of PS. Case No.-326 Year-2015 Thana- HAJIPUR SADAR District- Vaishali

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Niraj Kumar @ Tullu S/O Manoj Singh @ Manoj Kumar Singh R/o village-
Pahari Chak, P.S.- Sonapur, District- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner apprehends his arrest in connection
with Hajipur Sadar P.S. Case No. 326 of 2015 registered for
the offence under Sections 376, 385, 506 and 504 of the Indian
Penal Code and Sections 67(a), 67, 66(d), 65 and 66 of the
Information Technology Act.

The accused/petitioner is named in the F.I.R.



The allegation against the petitioner is to commit rape upon the victim and the photographs of victim showing intimate relations uploaded on facebook and also demand of Rs.5,00,000/- (Rupees Five Lakh) from the informant. The informant is the father of the victim.

Learned counsel appearing on behalf of the petitioner submitted that no medical examination of the victim has been conducted in the present case and also the matter has been compromised between the parties. While concluding the argument, it has further been submitted that the petitioner is a man of clean antecedent. It has also been submitted that the allegation is appearing, *prima facie*, false for the reason that the statement of the victim recorded under Section 164 Cr.P.C. is also supporting the fact of love affair.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that the victim specifically supported the occurrence of rape and also demand of money after showing the photos. It has further been submitted that petitioner approached this Court after seven years of the occurrence seeking anticipatory bail.

Considering the facts and circumstances as mentioned above, as there is specific allegation of rape against the



petitioner, which is duly supported by the victim in her statement recorded under Section 164 of Cr.P.C., this Court is not inclined to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the above named petitioner is hereby rejected.

(Chandra Shekhar Jha, J)

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