

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58089 of 2021

Arising Out of PS. Case No.-127 Year-2021 Thana- BAHERI District- Darbhanga

SANTOSH KUMAR LALDEO @ SANTOSH KUMAR Son of Shri
Mithilesh Lal Deo Resident of Village - Baligaon, P.s.- Baheri, Distt.-
Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivam, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-04-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is directed to remove
the defect(s), as pointed out by the office, within a period of
four weeks.

The petitioner is apprehending his arrest in Baheri P.S.
Case No. 127 of 2021 registered under Section 376 of the
Indian Penal Code.

Allegation against the petitioner is of committing rape
upon the informant/victim by showing threat of knife.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation
of tampering of witnesses alleged against the petitioner. The



petitioner has been falsely implicated in the present case. The case has been instituted after four days of the alleged occurrence. The delay in instituting the FIR has not been explained by the prosecution. The petitioner has been made accused in the present case due to village politics.

On behalf of the State and the informant, it is submitted that the petitioner is named in the Complaint Case/F.I.R. The statement of the victim has been recorded under Section 164 of the Cr.P.C. wherein she has stated that the petitioner has committed rape upon her.

Considering the nature of accusation, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail of the petitioner is rejected.

If the petitioner surrenders in the court below and seeks regular bail, the same shall be considered on its own merit without being prejudice by this order.

(Sudhir Singh, J)

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