

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50471 of 2022

Arising Out of PS. Case No.-13 Year-2022 Thana- RAXAUL District- East Champaran

=====

SUJIT KUMAR BAITHA @ SUJIT KUMAR Son of Sri Harendra Baitha
Resident of Village - Bakhari, P.s.- Adapur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh
For the Opposite Party/s : Mr. Md. Arif

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-12-2022 Heard learned counsel for the petitioner and the State.

Petitioner apprehends his arrest in a case registered for the offence punishable under Section 376(D), 120(B) of the Indian Penal Code.

As per the prosecution case, this petitioner along with co-accused, Naushad committed rape upon the informant.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. It is further submitted that from bare perusal of FIR it would appear that it was co-accused, Naushad, with whom informant was love affair, has committed rape upon the informant and petitioner has been made accused only because he is friend of Naushad. It is next submitted that there is delay of more than four months in lodging the FIR without any



explanation. Petitioner has got clean antecedent.

Learned counsel appearing for the State opposes the prayer for anticipatory bail and submits that petitioner is named in the FIR and there is specific allegation against him that he along with co-accused, Naushad committed rape upon the informant and this fact has been reiterated by the victim in her statement u/s 164 of the Cr. P. C.

Considering the nature of accusation and gravity of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

BKS/-

U		T	
---	--	---	--

