

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58519 of 2021

Arising Out of PS. Case No.-33 Year-2021 Thana- MAHILA P.S. District- Sheikhpura

DIWAKAR KUMAR S/O SRI VIDHYABHUSHAN SINGH R/o village-
Kamra, P.S.- Ariyari, Distt.- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinkar Kumar

For the Opposite Party/s : Mr.A.PP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-06-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Sheikhpura (Mahila) P.S. Case no. 33 of 2021 instituted for the offence punishable under Sections 376, 379, 448 of the Indian Penal Code.

It is a case of committing rape forcibly by the petitioner upon the informant, aged about 24 years, after entering into her house when she was alone. When her husband and villager came there, petitioner fled away for saving his life.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. Victim is a major and a married woman. In fact, victim has intimate love affairs with the petitioner followed by consensual physical relationship since two years in absence of her husband. After knowing the truth, informant has filed a compromise petition, annexed to this petition as Annexure-3.



Learned APP appearing for the State has opposed the prayer of bail and submitted that statement of the victim girl was got recorded under Section 164 Cr.P.C., wherein she has made direct allegation of rape against the petitioner.

Having heard learned counsel for the parties and taking into consideration that there is direct allegation of committing rape against the petitioner upon wife of the informant, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

(Sunil Kumar Panwar, J)

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