

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66437 of 2021**

Arising Out of PS. Case No.-375 Year-2021 Thana- TURKAULIYA District- East
Champanan

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VISHAL KUMAR @ VISHAL PARMAR SON OF DINKAR PARMAR
ALIAS DINKAR PAWAR RESIDENT OF VILLAGE- RAMGARHWA, P.S-
RAMGARHWA, DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kundan Rathore

For the Opposite Party/s : Mr.Umanath Mishra

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 25-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioner as well as

the learned Additional Public Prosecutor for the State

The petitioner apprehends his arrest in connection

with Turkauliya (Banjariya) P.S. Case No. 375 of 2021

registered for offence punishable under sections 363, 366(A)/34

of the Indian Penal Code and section 8 of the POCSO Act.

As per allegation, the fifteen years old daughter of the

informant was sleeping in her house and when the informant

awoke in the dead of night 2:00 a.m. and went to her room, she



was not there. He came to know that the accused persons named in the FIR, including the petitioner had enticed away the daughter of informant.

The learned counsel for the petitioner has submitted that the petitioner is a person of clean antecedent. The FIR was lodged after delay of near-about 18 days and there is no allegation of rape against the petitioner, rather as per the statement of victim recorded under section 164 of the Code of Criminal Procedure, hereinafter referred to as 'the Code', the allegation of rape is on co-accused Ritik Kumar.

The victim, who is a minor daughter of the informant, also named the petitioner having complicity in the alleged occurrence. The victim, in her statement recorded under section 164 of the Code, also named the present petitioner as one of the persons, who administered some intoxicating substances to her. When she lost her consciousness, the accused persons after taking jewellery and cash from her possession, she was handed over to Ritik Kumar, who committed rape upon her twice. The complicity of the present petitioner is explicit in the statement of the victim recorded under section 164 of the Code, as such, he does not deserve the privileges for anticipatory bail and accordingly his prayer for anticipatory bail is rejected. If he



surrenders before the court below and makes a prayer for regular bail, it shall be disposed of on its own merit without being prejudiced by this order.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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