

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33345 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- BALIYA District- Begusarai

Vimal Kumar @Vimal Singh@Falfal Singh Son Of Late Raja Ram Singh @
Raja Ram Singh Resident Of Village- Bariyarpur, P.S.- Ballia, Distt-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Ballia P.S. Case No.09 of 2023 registered for the offences punishable under Sections 341, 323, 379 and 376 of the Indian Penal Code. The petitioner has got one criminal antecedent in which he is said to be on bail.

3. As per the prosecution story, the petitioner had indulged in the commission of rape upon the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to village politics. Learned counsel submits that the allegation of rape against the petitioner is baseless and concocted.



5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case, there being an allegation that this petitioner had indulged in the commission of rape and the victim girl has made statement under Section 164 Cr.P.C., this Court is not inclined to grant privilege of anticipatory bail to the petitioner. His prayer is refused.

7. Learned counsel for the petitioner, however, submitted that in course of investigation the independent witnesses have stated that it is a case of false implication. If it is so, in case the petitioner surrenders and prays for regular bail in the learned court below within a period of four weeks from today, his prayer for regular bail shall be considered keeping in view the materials collected by the investigating officer in the case diary and the same shall not be rejected only because this Court has refused to grant privilege of anticipatory bail to the petitioner.

8. This application is dismissed.

(Rajeev Ranjan Prasad, J)

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