

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50891 of 2022

Arising Out of PS. Case No.-151 Year-2022 Thana- DALSINGHSARAI District- Samastipur

ASHUTOSH KUMAR @ LALA, S/o Surendra Mahto R/o village- Khoksa,
P.S.- Dalsingsarai, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-01-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends his arrest in connection with Dalsinghsarai P.S. Case No.151 of 2022 instituted under Sections 341, 323,376,504/34 of the IPC and Sections 3/4 of POCSO Act.

As per the prosecution story, the victim girl alleged that she used to live with her maternal grand parents and in the night, she felt uneasiness, came out of her home when this petitioner dragged her and on the point of pistol, raped her. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that it is unthoughtful of a person to come out of home at 3 O'clock where the accused was waiting for her and committed rape. He has further taken this Court to the medical report to show that



sign of sexual assault was not there.

Learned APP Mr. Jitendra Kumar Singh on the other hand submits that there is direct allegation of rape against the petitioner and there is nothing unnatural in the statement of the victim girl of having come out of the house feeling uneasiness, he as such opposes the prayer.

Taking into account the direct allegation of rape against the petitioner herein, this Court is not inclined to grant him relief, which is accordingly rejected.

(Rajiv Roy, J)

Prakash Narayan /-

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