

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51491 of 2022**

Arising Out of PS. Case No.-242 Year-2018 Thana- AURAI District- Muzaffarpur

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GOPAL KUMAR @ KALYAN SON OF JITENDRA RAI R/O VILLAGE-
BAIGNA, P.S.- AURAI, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh, Adv.

For the Opposite Party/s : Mr.Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-01-2023 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in connection with Aurai P.S. Case No. 242 of 2018 instituted under Sections 366, 366(A), 376, 372 of the Indian Penal Code and Section 27 of the Arms Act.

It is ironical that despite refusal of relief by a coordinate bench of this Court on 15.3.2021 (Hon'ble Mr. Justice Shivaji Pandey, as His Lordships was then) in Cr. Misc. No. 34489 of 2020, the petitioner has once again took recourse to present petition under Section 438 of the Cr.P.C.

The allegation in the FIR is that when the informant/complainant went to attend the call of nature along with her younger sister, the accused persons including the



petitioner herein dragged her in a nearby school and thereafter took her on a Bolero vehicle and raped her for unlimited period. Nothing new has come to reconsider the case of the petitioner. It is surprising that two years have lapsed and in an allegation of such nature, the petitioner is still roaming free.

Taking into account all the aforesaid facts, the anticipatory bail application is dismissed.

(Rajiv Roy, J)

Ravi/Ajay
Singh/-

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