

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66231 of 2022**

Arising Out of PS. Case No.-91 Year-2021 Thana- MAHILA P.S. District- Samastipur

VIKASH KUMAR S/O RAM NARESH PODAR R/v- Harpur Pusa, P.S.-
Pusa, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 04-07-2023 Heard learned counsels for the petitioner, informant
and the State.

Petitioner apprehends arrest in case registered for the offences punishable under Sections 363, 366(A), 376, 504, 506 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act.

As per prosecution case, it is alleged that this petitioner drugged and raped the minor victim.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case due to land dispute. It is further submitted that the victim is major and is married with one Ravi Kumar and as such, no offence is made out under the Protection of Children from Sexual Offences Act.



Learned counsel for the informant opposes the prayer for bail application and submits that there is specific and direct allegation against the petitioner of commission of rape. Aforesaid fact has also been supported by the victim in her statement recorded under Section 164 of the Cr.P.C. and petitioner has got three criminal antecedents.

Considering the statement of the victim recorded under Section 164 of the Cr.P.C. and criminal antecedents of the petitioner, prayer for anticipatory bail of the petitioner is refused.

(Prabhat Kumar Singh, J)

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