

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67548 of 2022

Arising Out of PS. Case No.-117 Year-2020 Thana- RAJEPUR District- East Champaran

Dilip Kumar @ Lalu, S/o Harishchandra Prasad @ Harishchandra Bhagat,
R/v- Sonaul, P.S.- Rajepur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Opposite Party/s : Mr. Arun Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-03-2023 Heard learned counsels for the petitioner and the

State.

Petitioner apprehends arrest in registered for the
offences punishable under Sections 363, 376/34 of the Indian
Penal Code.

As per prosecution case, 26.06.2020 at about 09:00
P.M., while the informant was returning to her house after
taking coaching classes, all the F.I.R. named accused persons
including this petitioner kidnapped her by four wheeler,
administered intoxicant and thereafter, committed rape.

Learned counsel for the petitioner submits that there is
inordinate delay of two and a half months in lodging the case
and there is no explanation for the same. He further submits that
for the same occurrence, Rajepur P. S. Case No. 81 of 2022 was



lodged by father of the informant in which statement of the victim was recorded under Section 164 of the Code of Criminal Procedure wherein she has not supported the allegation made in the F.I.R., therefore, petitioner was granted pre-arrest bail in that case.

Learned counsel for the State opposes the prayer for bail application submitting that from perusal of the F.I.R., it is apparent that all the accused persons committed rape upon the victim and thereafter, threatened her to deny the prosecution story and make the statement under Section 164 of the Cr.P.C. in their favour otherwise they would viral her photographs.

Considering the nature of allegation, prayer for bail of the petitioner is refused with direction to surrender and seek regular bail which would be considered and disposed of on its own merit without prejudice.

(Prabhat Kumar Singh, J)

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