

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79042 of 2023

Arising Out of PS. Case No.-290 Year-2023 Thana- PAHARPUR District- East Champaran

RAJESH KUMAR @ RAJESH SAH Son of Kedar Sah R/o vill - Dabariya,
P.s. - Nautan, Distt. - West Champaran, Bettiah

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

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

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 343, 363, 376, 506 and 34 of the Indian Penal Code pending in the learned court below.

3. As per the prosecution case, petitioner is said to have committed rape of the Sandhya Kumari.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that there is land dispute between the parties. He submits that there is no eye witness in this case and no one has seen the co-accused kidnapping the victim via motorcycle. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.



5. Per contra, learned APP for the State vehemently opposing the bail application and submits that the statement of the victim was recorded under Section 164 Cr.P.C. in which she has supported the prosecution case. Hence, he does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case and the fact that the victim has supported the prosecution case, I am not inclined to enlarge the petitioner on bail in connection with Paharpur P.S. Case No. 290 of 2023. Accordingly, his prayer for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

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