

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17690 of 2024

Arising Out of PS. Case No.-676 Year-2023 Thana- MADHAURAH District- Saran

Deepak Kumar @ Badari @ Badari Kumar @ Deepak Ray Son of Fuleshwar
Ray Village Kharauni Police station Marhowrah District saran chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-05-2024 Heard learned counsel for the petitioner and the State.

2. Petitioner apprehends arrest in case registered for the offence punishable under Section 376(g) of the Indian Penal Code.

3. As per the prosecution case, on the alleged date and time of the occurrence, while daughter of the informant was returning to the house from mela, this petitioner along with other accused persons caught her hand and took her to the bush where co-accused Pankaj Kumar @ Badari committed rape upon her and threatened her not to disclose the ordeal to anyone.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case due to village politics. Allegation of commission of rape is against co-accused Pankaj Kumar @ Badari. So far this petitioner is concerned,



there is no allegation of sexual assault against him. Doctor has assessed age of the victim to be 18-19 years and has not found any evidence of recent sexual intercourse and the victim was already found pregnant at the time of medical examination.

5. However, learned A.P.P. for the State opposed the bail application and submitted that petitioner is named in the F.I.R. and there is specific allegation that he pressed the mouth of the victim and thereafter co-accused Pankaj Kumar @ Badari committed rape upon her. Moreover, victim has supported the prosecution case in the statement recorded under Section 164 Cr.P.C.

6. Considering the nature of accusation, gravity of the offence and statement of the victim recorded under Section 164 Cr.P.C., prayer for anticipatory bail of the petitioner is refused.

(Prabhat Kumar Singh, J)

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