

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51999 of 2024

Arising Out of PS. Case No.-122 Year-2024 Thana- DURGAWATI District- Kaimur (Bhabua)

Dipak Kushwaha @ Dipak Kumar Son of Ram Bachan Singh Resident of
Village - Sawath, P.S.- Durgawati, District - Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vibha Devi Wife of Dinesh Tiwari Resident of Village - Sawath, P.S.-
Durgawati, District - Kaimur (Bhabua).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Sunil

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. Petitioner is apprehending his arrest in connection with
Durgawati P.S. Case No.122/2024, registered for the offence
punishable u/s 376 of IPC and 4, 6 of POCSO Act, 2012.

3. Allegedly, the petitioner is said to have caught hand of the
informant's daughter and dragged her to near railway station. It
is further alleged that adjacent to the field he forcibly committed
rape upon the informant's daughter and also took her
photographs and threatened to kill her.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence.



He has been falsely implicated in this case due to ulterior motive. No such occurrence in the manner as alleged has ever taken place. It is submitted that there is admitted dispute between the parties regarding drainage and passage, therefore, the petitioner has been implicated in this case. It is further submitted that there is a delay of one day in lodging the F.I.R. Petitioner has one criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that there is specific allegation against the petitioner and the victim in her statement recorded u/s 164 Cr.P.C. has supported the prosecution case and victim is a minor.

6. Considering the aforesaid facts and circumstances and that the victim is a minor, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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