

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59580 of 2023

Arising Out of PS. Case No.-345 Year-2023 Thana- SARAIYA District- Muzaffarpur

Ashok Ray S/O Shukul Ray Village Gopalpur Neura, Ps- Saraiya, Dist-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore, Adv.

For the Opposite Party/s : Mr.Akbar Ali, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 29-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Saraiya P.S. Case No. 345 of 2023 registered for the
offence punishable under Section-376(D) of the IPC.

3. Prosecution case, in short, is that on the date of
occurrence at night, while the informant was sleeping in her
house, two persons came at her door and started calling the
name of her husband. While the informant came out, she found
Ashok Rai and Mukesh Paswan standing there and
consequently, both of them are said to have committed rape
upon her.

4. It has been submitted on behalf of the petitioner



that the petitioner is innocent and has falsely been implicated in the present case. He has further submitted that paragraph-23 of the case diary reveals that the victim refused for her medical examination.

5. On the other hand, Shri Akbar Ali, learned Additional Public Prosecutor has opposed the prayer for anticipatory bail and submitted that when husband of the victim had gone out of his house to participate a marriage ceremony, the petitioner along with co-accused entered into house of the victim in dark night and they committed rape upon her. In her statement recorded under Section-164 of the Cr.P.C., the victim has supported the allegation made in the FIR.

6. In my view, the petitioner is not entitled for grant of anticipatory bail and accordingly, the same is rejected.

(Nawneet Kumar Pandey, J)

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