

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72938 of 2024

Arising Out of PS. Case No.-469 Year-2024 Thana- JAMUI District- Jamui

Roushan @ Roushan Kumar Sinha Son of Raj Kumar Sinha village-
Krishnapatti, Ps and Dist- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Mishra

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-10-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Jamui P.S. Case No. 469 of 2024, registered for the offences
punishable under Sections 70(1), 61(2) and 123 of the Bhartiya
Nyaya Sanhita, 2023.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that she was known to Deepa and on her request she had
come to Jamui on 16-7-2024 for doing catering work with Pinki,
an acquaintance of Deepa, further Habla, having mobile No.
7980299416 who was known to Deepa from before had brought
her from Howrah to Jamui, further Habla on reaching Jamui took
her to Baba Hotel where Pinki and Roushan (petitioner) were
present from before, further she was taken to a room on direction



of Pinki and Roushan near a Hanumanji temple, thereafter on 17-7-2024, Pinki and Roushan took her to Baba Hotel where three persons in turn raped her whom she can identify, further the said occurrence was committed with her till 23-7-2024 by different persons, next alleges that Pinki and Roushan on 23-7-2024 after intoxicating her brought to Jamui Railway Station, as such, she was not in her senses and when she regained consciousness on 24-7-2024 at 10 a.m. she found herself in Sardar Hospital, Deoghar, where police was also present and her medical checkup was conducted and thereafter she was brought to Rail PS, Jasidih where Pinki was also present, thus alleges that in the crime Habla, Deepa, Pinki, Roushan and brother of Roushan Mukhiyaji are involved.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant does not even remotely suggest that the petitioner committed rape with her. It is further submitted that petitioner being servant of the hotel owner had no option but to adhere to his directions.

5. The learned APP, Shri. Chandra Bhushan Prasad, opposes the anticipatory bail application and submits that the offence is heinous and the investigation is in its nascent stages



and from perusal of the order impugned, it would manifest that the same records that during the course of investigation the statement of Shambhu, Rail Police Constable, is recorded at Para-5 of case diary, wherein he has stated that that he received a call on 139 that a woman in an intoxicated condition in train No. 13030, Mokama-Howrah Express is being taken in a general bogie attached after the engine, accordingly he entered the bogie with Constable Neha and found a woman in an intoxicated condition in the age group of 30-35 years accompanied by a lady, as such, both were deboarded from the train, further at Para-6 of the case diary, statement of Constable Neha is recorded, who has also supported the statement of Shambhu, further at Para-8 of the case diary, the informant identified the owner of the hotel and staff who committed the occurrence with her and the owner of the hotel is Suryakant, further at Para-9 of the case diary, Pinki also identified the owner and staff of Surya Rest House where the occurrence of rape was committed in a room on first floor as has come in Para-7 of the case diary, further Para-17 of the case diary records the confessional statement of Pinki who has disclosed how the informant was brought to Jamui by Habla and started working as Event Manager and how the accused persons including the petitioner after intoxicating her raped her. Learned APP further submits that it is a case of gang rape and the



informant, who was brought from Howrah to Jamui on the pretext of giving employment, was brutally raped. The learned APP also submits that informant was found by the police in the bogie in an intoxicated condition with Pinki which amply demonstrates that accused persons had taken all precautions to ensure that she reaches back to Howrah in a condition where she is not able to disclose anything to anyone in the train. It is further submitted that though in the FIR, the informant does not allege that she was raped by the petitioner but from perusal of the order impugned, it manifests that the same records that Para-17 of the case diary records the confessional statement of Pinki wherein she has stated that even the petitioner had raped her.

6. Considering the submissions made by the learned APP, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Satyavrat Verma, J)

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