

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64089 of 2024

Arising Out of PS. Case No.-175 Year-2024 Thana- GOPALPUR District- Patna

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Pappu Kumar S/o Nagendra Prasad R/o New Jaganpura, P.S.- Ramkrishna
Nagar, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raghubir Kumar Son of Brijnandan Singh R/O Vill.- Kanauji Swaraj Nagar,
P.S.- Gopalpur, Dist.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Pramod Kr. Pandey, APP
For Opposite Party No.2	:	Mr. Aalekh Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 08-01-2025 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 363 and 366A of the Indian Penal Code.

3. As per prosecution case, the minor daughter of informant, who studies at Central School, Patna had gone to market on 26.04.2024 at 5:30 PM but she did not return and in spite of search, she could not be traced. Thereafter, on 27.04.2024, the informant lodged the instant F.I.R..

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is quite innocent and has falsely been implicated in this case with ulterior motive. As a



matter of fact, the victim left her house out of her own sweet will and thereafter she went at different places including R.K. Palace Hotel with different boys at many occasions which can also be found from the C.C.T.V. camera footage installed in the hotel and also from the check-in and check-out register of the hotel. Moreover, the victim is a major and her age has been opined to be between 19 to 20 years and there were no marks of violence of abuse on her as per the medical report. It is further submitted that during investigation, the so-called victim in her statement recorded under Section 161 of the Cr.P.C. has stated that she went to R.K. Palace Hotel with co-accused Golu, who happens to be her social media friend but she did not disclose the name of this petitioner. Moreover, the victim has not alleged that anyone has committed any sexual assault with her.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of the informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that the victim in her statement recorded under Section 164 of the Cr.P.C. has categorically stated that this petitioner, along with co-accused Golu, committed rape upon the victim. The victim is a minor.



6. Considering the aforesaid facts and circumstances of the case, nature of accusation and statement of victim recorded under Section 164 of the Cr.P.C., the prayer for grant of anticipatory bail to the petitioner is rejected.

(Prabhat Kumar Singh, J)

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