

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36789 of 2015

Arising Out of PS.Case No. -207 Year- 2014 Thana -AURAI District- MUZAFFARPUR

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1. Md. Danish Son of Md. Saki resident of village - Shah Bhabura, P.S.
Aurai, District - Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S. Jamil Akhtar

For the Opposite Party/s : Mr. Shyam Bihari Singh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 04-11-2015 Heard both sides.

The petitioner apprehends his arrest in Aurai P.S. Case No. 207/2014, registered for the offences punishable under Section 376 and other sections of the Indian Penal Code.

The victim made very specific allegation against the petitioner that he committed rape with her.

Learned counsel for the petitioner submitted that the occurrence is said to have taken place on 19.09.2014, but the FIR was lodged on 26.09.2014.

It is submitted that the victim made her statement under Section 164 Cr. P.C. and alleged that the petitioner and Mukhia Kamre Alam also committed rape with her. Mukhia Kamre Alam has already been granted anticipatory bail by Hon'ble Acting

Chief Justice vide order dated 30.04. 2015 passed in Cr. Misc. 50899/2014.

It appears that the victim made very specific allegation in her fardbeyan that it was the petitioner who committed rape with her. She also named Kamre Alam.

There was of course, some delay, but the reason of delay has already been specifically explained by the victim that her father was not present. She also named the petitioner in her fardbeyan and her statement under Section 164 Cr. P.C. The doctor found old hymen ruptured which supported the statement of victim.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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