

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41560 of 2015

Arising Out of PS.Case No. -288 Year- 2015 Thana -MAJHAULIA District- WESTCHAMPARAN(BETTIAH)

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Bulet Thakur, Son of Ramjash Thakur@Chhatar Thakur Resident of
Village: Mahanao, P.s Majhaulia, District West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava

For the Opposite Party/s : Mr. Tapeswar Sharma (App)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 08-10-2015 Heard the learned senior counsel, Mr. Ramakant Sharma,

for the petitioner, Bulet Thakur, who apprehends his arrest in

Manjhaulia P.S. Case No.288 of 2015 under Sections 376, 379 and

others Sections of I.P.C. Heard the learned counsel, Mr. Umesh

Chandra Verma for the informant and also learned A.P.P. on

behalf of the State.

The informant, Nirmala Devi, lodged FIR on 09.06.2015
alleging that in the night of 6.15, this petitioner committed rape on
her.

The learned senior counsel submitted that although
according to the informant, the occurrence took place in the night
of 6th June, 2015. The F.I.R. has been lodged after delay, i.e., on

09.06.2015, that too after filing of the F.I.R. by the mother of the present petitioner against the husband of the informant to the effect that he along with his other co-accused in that case made her naked and assaulted her by weapons. According to the learned senior counsel, this is only a counter blast case against the case filed by the mother of the present petitioner.

On the other hand, the learned A.P.P. as well as learned counsel for the informant submitted that there is direct allegation of rape and that there are evidences also in support of the case.

Perused the F.I.R. The informant is lady aged about 32 years who is married and the allegation has been made by her that while her husband and father-in-law had gone to attend marriage ceremony in the night, the petitioner had committed rape on her. Now, therefore, prima facie at this stage, the informant's case cannot be doubted and now, therefore, in my opinion, this is not a fit case for the grant of anticipatory bail. Accordingly, this bail application is rejected. However, this order will not prejudice the case of the petitioner in future in any way.

(Mungeshwar Sahoo, J)

Sanjeev/-

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