

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42255 of 2015

Arising Out of PS.Case No. -1818 Year- 2013 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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1. Ajay Raut @ Doctor Sahab @ Ajay Kumar Ray Son of Late Shri Raut
resident of Balawapar, Near Station, P.S. Warsaliganj, District - Nawada

.... Petitioner/s

Versus

1. The State of Bihar

2. Sarita Devi W/o Triveni Prasad resident of village - Murhalachak, P.S.
Warsaliganj, District - Nawada

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamala Kant Tiwary

For the Opposite Party/s : Mr. A.M.P.Mehta(App)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 15-10-2015

Heard the learned senior counsel, Dr. Uma Shankar

Prasad on behalf of the petitioner and learned A.P.P. for the State.

The petitioner, namely, Ajay Raut @ Doctor Sahab @
Ajay Kumar Ray apprehends his arrest in the Protest Complaint
Case No.1818 of 2013 under Section 376/511 I.P.C.

The allegation is that the petitioner attempted to rape
the informant while she was alone in the tea stall.

The learned senior counsel for the petitioner submitted
that after F.I.R., the police investigated and found that the case is
entirely false, therefore, the police submitted final form finding the
case to be false. The court below accepted the final form by terms
of order dated 30.09.2013, Annexure 3 and thereafter on the same
allegation, protest petition was filed and treating the same as

complaint case, witnesses were examined under Section 202 Cr.P.C. Therefore, according to the learned counsel, the petitioner has been falsely implicated in this case.

On the other hand, the learned A.P.P. objected the prayer for anticipatory bail.

From perusal of the F.I.R., it appears that there is direct allegation against this petitioner that the petitioner attempted to commit rape on the informant, a lady of 35 years. It is not the case of the petitioner that in the statement under Section 161 Cr.P.C., the informant did not support her case. After acceptance of the final report, the Court examined witnesses under Section 202 Cr.P.C. and thereafter, cognizance has been taken under Section 376/511 I.P.C.

In view of the fact that there is direct allegation in the earlier F.I.R. and also that in the protest petition and further in her statement which was recorded under Section 202 Cr.P.C. also, I am not inclined to grant anticipatory bail to the petitioner.

Therefore, this anticipatory bail application is rejected.

(Mungeshwar Sahoo, J)

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