

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42066 of 2015

Arising Out of PS.Case No. -245 Year- 2013 Thana -KOCHADHAMAN District- KISANGANJ

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Faziro S/o Sher Mohammad, Resident of Tupparamari (Haldikhora), P.S.-
Kochadhaman, District-Kishanganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Sinha

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

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 12-10-2015 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner, Faziro, apprehends his arrest in Kochadhaman P.S.
Case No.245 of 2013 registered for the offence punishable under
Sections 323, 376, 225/34 IPC.

It appears that complaint case was filed by complainant Rujbi
Parveen alleging that this petitioner committed rape on her for several
days. The complaint was sent to police for registration of FIR. The FIR
was lodged. The learned counsel for the petitioner submitted that the
story narrated in the complaint case is not at all reliable and in fact the
false story has been alleged against the petitioner with a view to
pressuring the marriage of the complaint / informant with the brother-in-
law of the petitioner because the petitioner was objecting to the marriage
of the informant with the brother-in-law of the petitioner. The learned

counsel further submitted that after performance of the marriage, subsequently the parties have compromised and a compromise application has already been filed in the Court concerned, which has been annexed as Annexure '2'. The learned counsel further submitted that there is delay in lodging the complaint case.

On the other hand, the learned A.P.P. vehemently opposed the prayer and submitted that this offence committed by the petitioner is serious and, therefore, cannot be permitted to compromise the offence.

Perused the complaint application. There is direct allegation that the petitioner committed rape several times on the informant. So far the compromise application is concerned, there is no denial in the compromise application that no such offence has been committed or that false allegations have been made in the complaint case. It is mentioned at paragraph 2 of the compromise application that misunderstanding and misconception has been removed.

Admittedly, in the present case the allegation is that the petitioner committed rape several times. Therefore, at this stage, the Court cannot presume that the allegation made in the complaint / FIR is false. I, therefore, find that this is not a fit case for grant of anticipatory bail. Accordingly, the anticipatory bail application is rejected.

Sanjeev/-

(Mungeshwar Sahoo, J)

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