

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.709 of 2015

Arising Out of PS.Case No. -226 Year- 2013 Thana -TURKAULIYA District- EAST
CHAMPARAN (MOTIHARI)

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Ram Nath Mahto, Son of Dina Mahto, R/o Village – Belwa Rai, P.S.
Turkaulia, District - East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 08-01-2015 Heard both sides.

The petitioner apprehends his arrest in Turkaulia P.S.
Case No. 226 of 2013 for the offences under Sections 448, 376,
511 of the Indian Penal Code.

The victim made allegation that at about 12:00 in the
night of 30.04.2013, the petitioner entered into her house and
removed her Sari in order to commit rape with her, but she raised
alarm and her mother-in-law came. Thereafter, the petitioner fled
away.

Learned counsel for the petitioner submits that the
occurrence is alleged to have taken place in the night of
30.04.2013, but the F.I.R. was lodged on 02.05.2013. There is an
inordinate delay in lodging the case. No occurrence, as alleged,

has ever taken place. True facts are that some quarrel took place between the petitioner and the father-in-law of the victim and, on account of such dispute, this case has been lodged making false and frivolous allegations.

It appears that the victim has made a very specific allegation that the petitioner had entered into her house in the dead of night and removed her clothes with an intention to commit rape with her. Hence, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer is rejected.

The petitioner is directed to surrender in the court below within four weeks from today in connection with Turkaulia P.S. Case No. 226 of 2013, pending in the court of the learned Chief Judicial Magistrate, Motihari, East Champaran, and make prayer for regular bail.

The court below shall consider the prayer for regular bail of the petitioner without being prejudiced by this order.

(Prabhat Kumar Jha, J)

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