

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.699 of 2015

Arising Out of PS.Case No. -84 Year- 2011 Thana -JOGBANI District- ARRARIA

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Md. Murtaza @ Murtaza, Son of Khalil, R/o Village – Garha, P.S. Jogbani,
District – Araria.

.... 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 Jogbani P.S.
Case No. 84 of 2011 for the offences under Sections 147, 148,
341, 323, 376, 504, 506 of the Indian Penal Code.

The victim alleged that on 24.08.2011, the petitioner,
on the point of dagger, committed rape with her and, on alarm, her
uncle and others came and caught Murtaza (the petitioner), but
thereafter the relatives of Murtaza came and forcibly took him
from there.

Learned counsel for the petitioner submits that the
occurrence took place on 24.08.2011, but the F.I.R. was lodged on
21.09.2011. The victim was not examined by the doctor. No sign
of rape was found and the victim also filed a petition for
compromise.

Considering the fact that the victim, a minor girl aged about 13 years, has made allegation against the petitioner that he committed rape with her on the point of dagger, 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 Jogbani P.S. Case No. 84 of 2011, pending in the court of the learned Chief Judicial Magistrate, Ararai, 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, if possible, on the same day.

(Prabhat Kumar Jha, J)

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