

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48016 of 2014

Arising Out of PS.Case No. -416 Year- 2014 Thana -GAYA MUFFSIL District- GAYA

1. Md. Jiaaul @ Md. Jiaul Haque Son of Md. Mahmood, Resident of
Village - Bhadaija, Police Station - Moffasil, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2
For the Opposite Party/s : Mr. Kalyan Shankar (App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 25-06-2015 Supplementary affidavit is filed on behalf of the
petitioner.

Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

Petitioner apprehends his arrest in connection
with Muffasil (Gaya) P.S. Case No. 416 of 2014 registered for
the offence punishable under Section 376 of the Indian Penal
Code.

The accusation against the petitioner is that he
sexually harassed the informant on false promise of marriage.



Learned counsel for the petitioner submits that the informant made three contradictory statements. Firstly, she stated in her ferdbeyan that petitioner used to tease and sexually harassed her since last six months but when her statement under Section 164 of the Cr.P.C. was recorded, she stated that ten days ago she was picked up and raped by the petitioner and furthermore, in her protest petition, she disclosed a different story. It is also pointed out on behalf of the petitioner that informant was major at the time of alleged occurrence and it appears from perusal of materials available on the case diary that there was love affair between the petitioner and informant.

Regard being had to the facts and circumstances of the case as well as submissions of the parties, I am not inclined to grant the privilege of anticipatory bail to the petitioner and accordingly, his prayer for anticipatory bail in connection with Muffasil (Gaya) P.S. Case No. 416 of 2014 pending in the court of Chief Judicial Magistrate, Gaya stands rejected.

However, it is made clear that if petitioner surrenders before the concerned court within four weeks from today and seeks regular bail, the competent court shall

consider the regular bail application of the petitioner on its own merit without being prejudiced by this rejection order, particularly, keeping in mind the arguments advanced on behalf of the petitioner before this Court.

(Hemant Kumar Srivastava, J)

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