

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38958 of 2015

Arising Out of PS.Case No. -157 Year- 2015 Thana -KRITYANAND NAGAR District- PURNIA

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1. Lila Nand Mahaldar S/o Jagdish Mahaldar Resident of Village Khutti
hasaili, P.S. K. Nagar (Shree Nagar), District Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Asha Devi(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 06-11-2015

Heard both sides.

The petitioner apprehends arrest in a case registered for the offences punishable under sections 376 and 325 of the Indian Penal Code.

The informant filed a complaint alleging therein that on 22.03.2015 at about 4.00 A.M. when her husband had gone to purchase fish, the petitioner entered into her house and committed rape with her.

Learned counsel for the petitioner submits that after two days of the occurrence the complaint was filed on the basis of which the F.I.R. was lodged. Entire allegation is false and concocted. The Doctor did not find any sign of rape. No spermatozoa was found. Husband of the victim had taken money

from the petitioner during the course of business and that is why this false case has been lodged.

It appears that the victim lady made very specific allegation that the petitioner entered into her house in the early morning and committed rape with her. The complaint itself was filed on return of her husband after two days of the occurrence. Hence, it was natural that spermatozoa was not found.

Considering the facts aforesaid, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with K. Nagar P.S. Case No. 157 of 2015 pending in the court of the learned Chief Judicial Magistrate, Purnea. His prayer for anticipatory bail is, accordingly, rejected.

(Prabhat Kumar Jha, J)

Amin/-

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