

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46000 of 2015

Arising Out of PS.Case No. -5 Year- 2014 Thana -MANJHI District- SARAN

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Bahadur Sah Son of Asharfi Sah, Resident of village- Tekniwas, P.S.
Rivilganj, District-Saran at Chapra

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh

For the Opposite Party/s : Mr. Sanjay Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 03-11-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under sections 376, 120B/34 of the Indian Penal Code and that the prosecutrix in her statement under section 164 Cr.P.C. has stated that she was raped by this petitioner, this Court for the time being will not be entitled to go into the aspect that the prosecutrix was having such physical relationship with her own consent. That is a matter to be looked into at the stage of trial but for the time being for the purpose of anticipatory bail this Court will find that the statement of the prosecutrix is against the petitioner and as such, he will not be entitled for privilege of anticipatory bail.

That being so, the prayer for anticipatory bail of the petitioner is rejected.

(Mihir Kumar Jha, J)

Surendra/-

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