

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42536 of 2015

Arising Out of PS.Case No. -124 Year- 2015 Thana -AJAMNAGAR District- KATIHAR

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Md. Wajur Rahman @ Md. Wajiur Rahman S/o Late Mazuruddin Rahman
@ Late Majiruddin @ Late Masiur Rahman Resident of Village Alapokhar,
P.S. Balia Belone, District Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

3 17-12-2015 Heard learned counsel for the petitioner, learned
Additional P.P. for the State and learned counsel for the informant.

The petitioner prays for anticipatory bail in a case under
Sections 341, 342, 376, 304, 379, 366, 358, 498, 406, 420 and
295A of the Indian Penal Code.

The allegation of the informant is that the informant, who
had obtained MBBS degree from Calcutta University, established
her clinic at Salmari under P.S. Azamnagar, District Katihar in the
name and style of Meena Kumari Clinic and the accused persons
including the petitioner on account of her weak condition started
visiting informant's clinic and taking undue advantage of the
situation first pressurized the informant to send the prescriptions
direct to medicine shop of the accused persons and further started
overcharging and on the informant's protest they started



threatening her with murder. It is also complained that on 5th July, 2012 while informant was alone in her clinic the petitioner committed rape upon her. It is the further case that on 22.4.2015 the informant filed informatory petition against the accused persons and on the same evening she was again abducted and confined in a room and was raped by the petitioner and ultimately she was rescued by social reformers.

Learned counsel for the petitioner submits that the allegation of rape committed in the year 2012 is not believable nor the subsequent allegation, rather the entire case has been lodged on false allegation because the petitioner did not have his medicine shop in the year 2012 and much later licence for the said shop was issued. It is further submitted by learned counsel that it is the informant who had cheated the petitioner of property and in turn under conspiracy she has implicated the petitioner in the matter.

Learned Additional P.P. and learned counsel for the informant, on the other hand, refer to the supervision note of the SDPO, who has found the case to be true, although it is stated that most of the witnesses being under influence of the petitioner are not willing to come forward in support of the informant, who is an outsider.

On a consideration of the facts and circumstances of the case, this Court does not find it a fit case for grant of anticipatory bail to the petitioner. Prayer for anticipatory bail is, accordingly, rejected.

However, if the petitioner surrenders and prays for bail in the court below, the rejection of the anticipatory bail application shall not prejudice him in the consideration of his prayer for bail.

(Ramesh Kumar Datta, J)

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