

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30 of 2015

Arising Out of PS.Case No. -379 Year- 2014 Thana -FORBESGANJ District- ARRARIA

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Sourabh Mehta @ Sourabh Kumar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma

For the Opposite Party/s : Mr. Binod Kr. 3(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

4 08-04-2015

Heard both sides.

The prosecutrix made allegation that on 03.07.2014 the petitioner entered into her house and on the point of knife committed rape on her. It is further alleged that as the matter was of a family members, therefore, panchayat was held but the informant could not appear.

Learned counsel for the petitioner submits that the occurrence took place on 03.07.2014 but the first information report was lodged on 9.08.2014 that is only after one month six days. It is submitted that the father of the petitioner filed a case bearing Forbesganj P.S. Case No. 378 of 2014 on 09.08.2014 against the informant and her husband and other family members in which it is alleged that the accused persons assaulted the informant and family members. It is further submitted that prior to lodging of this case, father of the petitioner filed an informatory on 02.08.2014 before the S.D.M. Forbesganj. The petitioner is agnates of the husband of the informant. On the other hand learned Additional Public Prosecutor submits that the informant was raped by the petitioner and since

she belongs to the same family the informant did not lodge the case immediately . Thereafter a panchayti was held. The police after thorough investigation found the case true under section 376 of the I.P.C. against the petitioner.

Having considered the fact that the case is lodged after more than one months only because petitioner being the family member of the complainant and she has offered the explanation for not lodging the case immediately, but there is very specific allegation against the petitioner that petitioner committed rape on her, I am not inclined to enlarge the petitioner on anticipatory bail. The same is rejected. The petitioner, if so advised, may surrender and seek regular bail. The court below shall consider the prayer for regular bail of the petitioner without being prejudiced by the order of this court and shall dispose of the bail petition of the petitioner on the same day.

(Prabhat Kumar Jha, J)

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