

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26787 of 2015

Arising Out of PS.Case No. -242 Year- 2014 Thana -AURAI District- MUZAFFARPUR

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Md. Sarfaraz @ Ujale @ Sarfaraz Ahmad S/o Late Aale Ahmad R/o
Village- Harpur Besi, P.S.- Aurai, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Jha

For the Opposite Party/s : Mr. G.S. Gupta (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-09-2015

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case instituted under Sections 376, 420, 323, 341, 379 and 354/34 of the Indian Penal Code.

Allegation against the petitioner is that on the promise of marriage, he established physical relationship with the daughter of complainant and when the girl conceived, she was taken away from her house on the pretext of filling up form for examination and her pregnancy was aborted.

It has been submitted on behalf of the petitioner that he has got no criminal antecedent. It is further submitted that the victim had filed a complaint case vide Annexure-4 prior to institution of the present case where she had given different narration to the prosecution case, whereafter mother of the victim filed the present case by way of complaint which is subsequently instituted under Section 156(3) of the Code of Criminal Procedure. The present case discloses a different version than what has been

stated by the victim girl in Annexure-4. It is further submitted that as per Annexure-4 though the victim was taken for getting her examination in the school but there was no examination in the school, which is evident from Annexure-3. It is further submitted that delay in instituting the case has not been explained by the prosecution.

On behalf of the State and learned counsel for the informant, it is submitted that there is direct allegation of commission of rape against the petitioner.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner and the same is rejected.

Any how if the petitioner surrenders in the court below and files a petition for regular bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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