

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29653 of 2014

Arising Out of PS.Case No. -1918 Year- 2012 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

1. Rama Shankar Mehta @ Munna Son of Prahalad Mehta Resident of
Village - Fulot, P.S. - Fulot, District - Madhepura, A presnet C/o Binod
Mandal, S/o Late Rama Mandal, Village - Bhitti, P.S. - Sabour, District -
Bhagalpur.... Petitioner/s

Versus

1. The State of Bihar
2. Anita Devi W/o Janardan Mandal Village - Bhitti, P.S. - Sabour, District
- Bhagalpur.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiwesh Chandra Mishra

For the Opposite Party/s : Mr. Pushpa Sinha(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 18-03-2015 Heard both sides.

The petitioner apprehends his arrest in Complaint Case
No. 1918 of 2012, registered for the offences punishable under
Section 376 of the Indian Penal Code.

The victim complainant alleged that on 10.7.2012 while
she was going to attend the call of nature, the petitioner committed
rape with her. The villagers asked the complainant not to lodge the
case and the matter would be resolved in Panchayat. It is
submitted that the occurrence took place on 10.7.2012 but the

complainant petition was filed on 24.08.2012. There is inordinate delay in lodging the complaint case. Binod Mandal lodged Sabour P.S. Case No. 173/2010 against Arun Mandal and others. The present case is lodged at the instance of Arun Mandal. It is further stated that the petitioner happens to be son-in-law of the complainant. This fact itself shows the falsity of the case. It appears that complainant has made allegation against the petitioner that the petitioner committed rape with her.

Considering the facts aforesaid I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

However, the petitioner, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail and his prayer shall be considered on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J)

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