

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44882 of 2015

Arising Out of PS.Case No. -56 Year- 2014 Thana -BAKHRI District- BEGUSARAI

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1. Md. Shabban S/O Md. Sadrul Resident of Village- Khakharua, P.S-
Bakhri District Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Hirday Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

3 02-11-2015 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case
registered for the offences punishable under Sections
376/511 and 366/34 of the Indian Penal Code.

The prosecution case is that the informant, while
returning from the field, was surrounded by the three
accused persons including the petitioner. This petitioner
pulled the informant's dupatta and caught hold of her
whereas co accused Md. Abdul and Md. Hashmat pressed
her mouth when alarm was raised then the neighbours and
the sister of the informant came to rescue, thereafter the
accused persons escaped from the scene. When the

informant tried to inform the police, the father of petitioner threatened her as a result, she could not inform the police.

It is submitted by the learned counsel for the petitioner that for the occurrence of 12.2.2014 the FIR was registered on 17.2.2014 and the victim was not medically examined. It is further submitted that even assuming the accusation, no case under sections 376/511 or 366/34 IPC is made out. In 164 Cr.P.C. statement the informant got her age recorded as 19 years when the court assessed her age as 20 years where she stated that she was not aware about the factum of accusation as the FIR was drafted by an advocate and she does not want to pursue the litigation. Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the delayed lodging of the FIR and the statement of the victim under section 164 Cr.P.C., let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



learned CJM, Begusarai in connection with Bakhri P.S.
Case No.56 of 2014 subject to the conditions as laid down
under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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