

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18243 of 2016

Arising Out of PS.Case No. -10 Year- 2016 Thana -MAHILA P.S. District- SARAN

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Amit Saini @ Amit Kumar Saini, Son of Bishwanath Sah, resident of
Mohallah- East Dahiyawan, Mission Road, Police Station- Chapra Town,
District- Saran, Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Adv.

For the Opposite Party/s : Mr. T.P.Mandal (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 25-07-2016 Heard Mr. Bindhyachal Singh learned counsel for the

petitioner Mr. Jitendra Kumar learned counsel for the informant as

well as learned A.P.P. for the State.

The petitioner apprehends his arrest in Mahila P.S. Case
No. 10/2016, registered for the offences punishable under Sections
307, 323, 341, 376, 506 and 34 of the Indian Penal Code.

The informant alleged that she was residing in the house
of petitioner as tenant. On fear the petitioner regularly established
physical relation with the informant. It is further alleged that
petitioner assaulted her and when she left the house of the
petitioner and shifted to another house, petitioner came to the
house of the informant and forcibly established

physical relation with her.

Mr. Bindhyachal Singh learned counsel for the petitioner submits that from the averment made in the F.I.R. itself, it appears that story is not believable that the petitioner established physical relation with the informant for the last three years, but she did not ever complain to police station or anybody else. The informant was residing as a tenant in the house of the petitioner and there was arrear of rent and that is why the informant lodged this case.

Learned counsel for the informant as well as learned A.P.P. however opposed the prayer for anticipatory bail of the petitioner.

The prosecutrix made allegation that the petitioner forcibly established physical relation and continued to have relation at the fear of life and also assaulted her.

Considering the facts aforesaid and taking into consideration the nature of allegation made against the petitioner that on fear of life petitioner established physical relation with the informant, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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