

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36598 of 2016

Arising Out of PS.Case No. -729 Year- 2015 Thana -KATIHAR District- KATIHAR

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Md. Asrat @ Asrat, Son of Md. Mazrul, Resident of Village- Baigna, P.S. Katihar (Town), District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 17-09-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Katihar (Town) P.S. Case No.729 of 2015 registered under Sections 323, 376 and 504/34 of the Indian Penal Code, pending in the court of the Chief Judicial Magistrate, Katihar, District-Katihar.

The accusation is that on 09.10.2015, this petitioner committed rape on the complainant/informant on the pretext of performing the marriage and fled away leaving her in an unconscious stage. Earlier, the petitioner had also committed rape on her on the pretext to perform the marriage. The complainant/informant informed regarding the incident to her

parents. When her parents made complaint, then the petitioner and other accused abused and started “Maarpit” Regarding the said occurrence, while a Panchayati was arranged but the petitioner and his family members refused to perform the marriage with the complainant/informant.

Learned counsel appearing on behalf of the petitioner submits that there is contradiction in the statement, as detailed in the complaint petition, and the statement of the complainant/informant, as recorded under Section 164 of the Code of Criminal Procedure. Moreover, on medical examination of the victim, no sign of rape was found on her person.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. However, the petitioner is directed to surrender before the trial court within four weeks from today and pray for regular bail which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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