

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45717 of 2015

Arising Out of PS.Case No. -187 Year- 2015 Thana -VAISHALI District- VAISHALI(HAJIPUR)

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Bishun Rajak @ Bishun Baitha @ Vishnu Rajak @ Vishnu Vaitha Son of
Rajendra Baitha Resident of Khaderpura, P.S. Kurja, District - Muzaffarpur,
Bihar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Prabhat Kumar Singh
For the Opposite Party : Mr. Pramod Kumar Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is apprehending his arrest in connection
with Vaishali P.S. Case No. 187 of 2015 pending in the Court of
CJM, Vaishali at Hajipur for the offences instituted under Sections
376 and 420 of the Indian Penal Code.

As per prosecution case, it is a case of rape upon the
informant by the petitioner.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. The present case has
been brought on the basis of a complaint case. The alleged date of
occurrence is said to be 22.02.2015 and the complaint was filed on
26.02.2015. No explanation in respect to delay in instituting the

case has been made on behalf of the prosecution. The victim has not been medically examined to ascertain the allegation made in the complaint case. From perusal of Annexure-3, it would appear that there is no such lady with the name of the complainant in the village-Karja Khalilpur, Post-Pratappur, P.S.Karja, District-Muzaffarpur. Petitioner is said to have been falsely implicated at the instance of the Chaukidar which is evident from perusal of Annexure-2 to the present application.

On behalf of the State, it has been submitted that there is a direct allegation of commission of rape upon the petitioner and the petitioner is named in the FIR.

Considering the aforesaid facts and circumstances of the case, I am not inclined to release the above named petitioner on anticipatory bail, the same is rejected.

Anyhow, if the petitioner surrenders in the court below within a period of four weeks, the same shall be considered on its own merit without being prejudiced by this order and if possible the same may be disposed of preferably on the same day.

(Sudhir Singh, J)

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