

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28098 of 2016

Arising Out of PS.Case No. -14 Year- 2016 Thana -MAHILA P.S. District- PURNIA

Saidur Rahman, S/o- Late Manan, Resident of Village- Lal Tola, Chimni Bazar, P.S.- Sadar, District- Purnea.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Manish Kumar, Advocate.

For the Opposite Party : Mr. Dr. Mrityunjaya Kr. Gautam, APP.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 05-09-2016 Heard both sides.

The petitioner apprehends his arrest in Mahila P.S. Case No. 14 of 2016 registered for the offences punishable under Sections 448, 376, 506 and 34 of the Indian Penal Code.

The informant alleged that while she was sleeping in her house the petitioner committed rape with her at the point of knife. Other accused persons abused the informant and assaulted her with fists and slaps on the next day of occurrence when the informant made complaint.

Learned counsel for the petitioner submits that the petitioner is innocent. All the allegations are false and concocted. The petitioner is elder member of the family. Some altercation took place due to petty disputes and that is why all the family

members have been implicated. The doctor did not find any presence of spermatozoa and no injury was found on the private part of the informant.

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

It appears that the informant made specific allegation that the petitioner committed rape with her. The doctor found that she was having regular menstruation and it may be one of the reasons that no spermatozoa were found. The informant is a married lady who made specific allegation against the petitioner that he committed rape with her.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail in Mahila P.S. Case No. 14 of 2016, pending in the court of Sri M. Kumar, the Judicial Magistrate, 1st Class, Purnea. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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