

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28596 of 2016

Arising Out of PS.Case No. -4300 Year- 2012 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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Sanoj Sharma Son of Brahmi Sharma Resident of Village- Topra, Police
Station Rupouli (Mohanpur) District Purnea.

.... Petitioner

Versus

1. The State of Bihar
2. Kalpana Devi Daughter of Jittan Sharma Resident of Village- Topra,
Police Station Rupouli (Mohanpur) District Purnea.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Viveka Nandsingh, Advocate.

For the Opposite Parties : Mr. Pushpa Sinha, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 04-10-2016 Heard both sides.

The petitioner apprehends his arrest in C.A. Case No.
4300 of 2012 registered for the offences punishable under Section
376 of the Indian Penal Code.

The complainant alleged that while she was coming
after attending the call of nature in the evening of 16.10.2012, the
petitioner at the point of pistol committed rape with her.

Learned counsel for the petitioner submits that the
occurrence took place on 16.10.2012, but the complaint petition
was filed on 29.10.2012. The petitioner filed Rupouli (Mohanpur)
P.S. Case No. 156 of 2012 on 18.10.2012 for the occurrence took
place on 17.10.2012 against father and brother of the victim. There

is inordinate delay in lodging the case and the victim was not examined by the doctor.

On the other hand, learned counsel for the complainant opposed the prayer for anticipatory bail of the petitioner and submitted that on the next day the victim went to police station but no police officer was present in the police station and the court was closed thereafter on the opening day of the court, the victim filed the complaint petition.

It appears that the victim made specific allegation that the petitioner committed rape with the victim at the point of pistol on 16.10.2012. The petitioner lodged the case on 18.10.2012 with regard to the occurrence said to have taken place on 17.10.2012 against father and brother of the victim.

Considering the facts aforesaid and the allegations made by the victim, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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