IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46732 of 2016

Arising Out of PS.Case No. -44 Year- 2016 Thana -PALASI District- ARRARIA

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1. Mahfooz @ Mahfooz Alam Son of Taiful@Taiful Hussain Resident of Village- Dahgama, Police Station- Sikty, District Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Anamul Haque
For the Opposite Party/s : Mr. Sri Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 05-12-2016 Heard both sides.

The petitioner apprehends his arrest in Palasi P.S. Case No. 44/2016, registered for the offences punishable under Sections 366, 376, 511 and 34 of the Indian Penal Code.

The prosecutrix alleged that she was going along with her father on a motorcycle to perform a programme but four persons came on two motorcycles and assaulted her father. The accused persons dragged the prosecutrix towards a wheat field and untied her clothes in order to commit rape with the prosecutrix, but on alarm many villagers came and thereafter accused persons started to flee away. One of the accused Md. Junaid was apprehended and he disclosed the name of the petitioner and few others, namely Mantan and Tanveer.

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Learned counsel for the petitioner submits that the petitioner was not apprehended on the spot. Name of the petitioner surfaced in the case in the confessional statement of co-accused, Md. Junaid, who is said to have been arrested on the spot. The case has already been compromised.

It appears that four persons intercepted the informant and his father while the informant was going along with her father to perform a programme. They assaulted the father of the informant and molested the informant and dragged her in a wheat field. The accused persons untied her clothes but on alarm many persons came and saved the informant and her father. One of the accused Md. Junaid disclosed the name of the petitioner as one of the accomplices.

Considering the facts aforesaid and nature of allegations made against the petitioner, 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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