

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39345 of 2016

Arising Out of PS.Case No. -79 Year- 2016 Thana -KADWA District- KATIHAR

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1. Purushottam Bishwas Son of Sadanand Bishwas Resident of Village -
Kachoura, Police Station - Kadwa, District – Katihar Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Jibendra Mishra, Adv.

For the Opposite Party : Smt Renu Kumari, APP 160

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 21-10-2016

Heard the parties.

The petitioner apprehends his arrest in Kadwa P.S. Case No. 79 of 2016 (G.R. No. 1418 of 2016) under Sections 376, 323 and 504/34 of the Indian Penal Code.

The informant filed a Complaint Petition No. 710 of 2016 on the basis of which the present first information report was registered. The informant alleged that the petitioner entered into her house at about 10-11 in the night while she was living with her children and committed rape with her. On alarm the petitioner managed to flee away.

The learned counsel for the petitioner submits that the petitioner is nephew of the complainant, entire allegation is false and concocted. Ram Charan Biswas and Shivanand Biswas purchased the land of plot no. 831, 832 and 833 of khata no. 37. Shivanand Biswas executed sale deed with regard to the same land in favour of his grand-son, the son of the informant. There is a land dispute between both sides that's why false case has been filed in which the petitioner and his family members have been implicated.

The learned Additional Public Prosecution as well as the learned counsel for the informant opposed the prayer for anticipatory bail.

It appears that specific allegation has been made against the petitioner that he entered into the house of the complainant in the dead of night and committed rape with her. During the course of investigation the children of the informant have also supported the case of the occurrence and saw the petitioner fleeing away from the house. It appears that at the later stage of the investigation some of the witnesses disclosed that there is a land dispute that's why the case has been filed. It appears that the father-in-law of the informant executed sale deed with regard to the lands in favour of his grand-son in the year 2011, but, the petitioner did not file any suit and this case has been filed in the year 2016.

Considering the nature of the allegation made against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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