

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40305 of 2016

Arising Out of PS.Case No. -75 Year- 2016 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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Antu Rai Son of Raj Mangal Rai, Resident of village- Nonaura, P.S.
Ghorasahan, District- East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mr. R.B. Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-12-2016 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner is apprehending his arrest in Ghorasahan
P.S. case No.75 of 2016 registered under Sections 341, 342, 376,
447, 323, 325, 504 and 506 of the Indian Penal Code, pending
before the court of Sub Divisional Judicial Magistrate, Sikrahna at
Dhaka, East Champaran.

Allegation against the petitioner is that he committed
rape upon the informant.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. A false
allegation of commission of rape has been alleged against the



petitioner. It is a case and counter case between the parties. A case for offence under Section 379 I.P.C. has been instituted by the accused persons, in which the informant's family members are accused. The victim has been examined by the Medical Board. No positive sign of rape has been found upon her. The victim is aged 46 years.

On behalf of the State and the learned counsel for the informant, it is submitted that the petitioner is named in the F.I.R. Specific allegation of commission of rape has been alleged against the petitioner.

Considering the aforesaid facts and circumstances, I am not inclined to extend the privilege of anticipatory bail to the petitioner. Prayer for anticipatory bail is rejected.

Anyhow if the petitioner surrenders in the court below within a period of six weeks from today, the same shall be considered on its own merit without being prejudiced by this order taking into account the Annexure-2 to the present application.

(Sudhir Singh, J)

Narendra/-

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