

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40160 of 2016

Arising Out of PS.Case No. -51 Year- 2015 Thana -MAHILA P.S. District- KISHANGANJ

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Masud Reza @ Md. Masud Rana son of Rahil Bishwas @ Rahil, resident
of Village- Shinha, Police Station- Amdabad, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ashok Kumar Singh 1, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 06-12-2016 Heard both sides.

The petitioner apprehends his arrest in Kishanganj (Mahila) P.S. Case No. 51/2015, registered for the offences punishable under Sections 364, 366(A), 376 and 34 of the Indian Penal Code.

The informant filed complaint petition alleging therein that on 14.05.2015 the petitioner and Sharif Sarkar kidnapped her at the point of dagger. The victim also alleged that she was kept in the house of sister of Sharif Sarkar and both the accused committed rape with her.

Mr. Sunil Kumar Singh learned counsel for the petitioner submits that occurrence took place on 14.05.2015, but the victim was recovered on 01.06.2015. The victim did not lodge the case. She filed complaint case on 25.06.2015. The doctor



examined the victim, but did not find any sign of rape. It is further submitted that the victim herself sworn affidavit that she solemnized marriage with the petitioner and they are living together, as husband and wife for last six months.

Learned counsel for the informant as well as learned A.P.P. vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that the informant alleged that her signature was forcibly obtained on affidavit at annexure-2.

It appears that the victim made specific allegation against the petitioner that he along with Sharif Sarkar kidnapped her and confined her in a room for more than fifteen days, where the police of Harischandrapur came and recovered her. Her father brought her from the police station. The victim also alleged that the petitioner committed rape with her and she was medically examined after more than a month from the date of occurrence, therefore, the doctor rightly found no sign of rape.

Considering the facts aforesaid and nature of allegation 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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