

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54942 of 2016

Arising Out of PS.Case No. -41 Year- 2016 Thana -MAHILA P.S. District- KISANGANJ

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Shah Alam @ Sabbir, Son of Sabdar Ali, R/o of village-Pipal Tola, Police
Station- Kishanganj, Distirct-Kishanganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Rajeev Nayan

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 22-12-2016

Heard learned counsel for the petitioner and the learned

A.P.P. for the State.

The petitioner apprehends his arrest in connection with Kishanganj (Mahila) P.S. Case no. 41 of 2016, registered under Sections 323, 376, 379 and 307 of the Indian Penal Code, pending in the Court of SDJM, Kishanganj.

The accusation is that petitioner, who has talking term on mobile with the informant came in the village of informant and assured her to perform marriage and accompanied the informant. Thereafter, informant and petitioner boarded in the Magic vehicle and got out from the vehicle at Kishanganj from where they stayed in the night at the house of her Mausi, but in the way, near bamboo tree, petitioner developed physical relation with the informant forcibly. When informant made protest then she was slapped by the petitioner and petitioner moved from there after snatching her ornaments. Thereafter, she was rushed to the Sadar Hospital, Kishanganj for



treatment with the help of the villagers.

Learned counsel for the petitioner submits that, in fact, family members of the informant tried to arrange the marriage of the informant with the petitioner, but when petitioner refused to perform marriage thereafter the present false case has been lodged only to give undue pressure upon the petitioner. Further submission is that no sign of rape was found on the person of the informant.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial Court within four weeks and pray for regular bail, which would be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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