

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48259 of 2015

Arising out of PS.Case No. -40 Year- 2015 Thana -SARAIYA District- MUZAFFARPUR

Ajoy Sharma @ Ajay Sharma, S/o Puran Sharma, resident of village -
Mugauli, P.S. - Saraiya, District - Muzaffarpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Chandra Shekhar Anand, Advocate.

For the Opposite Party : Mr. Khurshid Anwar(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is apprehending his arrest in connection
with Saraiya P.S. Case No. 40 of 2015 for the offences instituted
under Sections 366, 376 and 120(B) of the IPC.

The prosecution story, in brief, is that on 31.01.2015 at
8.00 P.M. the informant (Mosmat Pinki Devi) went outside to
answer call of nature. Baiju Prasad, Ajay Sharma and three-four
unknown persons kidnapped her and brought to a liquor factory
(Darubhatti) where petitioner no. 2 was present from before. The
accused kept her two days and committed sexual assault on her
and thereafter on 1.2.2015 at 8.30 P.M. all the accused got her
down from a vehicle near Tutlahi bridge and fled away.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case. In course of medical examination, no sign of rape has been found upon the victim.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. and there is direct allegation of commission of rape against him.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in Saraiya P.S. Case No. 40/2015, G.R. No. 198/2015, pending in the court of the learned S.D.J.M.,(West), Muzaffarpur. Anyhow, if the petitioner surrenders in the court below within a period of six weeks from the date of receipt/production of copy of this order, the same shall be considered on its own merit without being prejudiced by this order.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)