

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50380 of 2016

Arising Out of PS.Case No. -81 Year- 2011 Thana -SHIWAPATHI District- MUZAFFARPUR

=====

Pavitra Sahani S/o Jaga Sahni Resident of village - Tegrari Tole, Dihuli,
P.S. Siwaipatti, Distt. Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey

For the Opposite Party/s : Mr. Sri Manish Kumar 2

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-12-2016

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case instituted under Sections 376 and 379/34 of the Indian Penal Code.

Allegation against petitioner is that he caught hold of husband of the informant while other co-accused persons raped her.

It is submitted on behalf of the petitioner that he has got no criminal antecedent. No allegation of tampering of witnesses is alleged against petitioner. He has falsely been implicated in the present case. There is admitted enmity between the parties. Petitioner and informant are of same village. As per F.I.R., commission of rape is alleged against Mastan, Nagendra Sahni and Ghanshyam. As far as petitioner is concerned, he is alleged to have caught hold of husband of the victim. No allegation of commission of rape is alleged against petitioner.

On behalf of the State, it is submitted that petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, I am



not inclined to grant anticipatory bail to the petitioner, same is rejected.

Any how, if petitioner surrenders in the court below, i.e., Chief Judicial Magistrate, Muzaffarpur, in connection with Siwaipatti P. S. Case no. 81 of 2011, within a period of six weeks and prays for regular bail, same shall be considered on its own merit, without being prejudiced by this order, taking into account the submission made on behalf of petitioner.

(Sudhir Singh, J)

sudip/-

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

