

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52277 of 2016

Arising Out of PS.Case No. -178 Year- 2016 Thana -BHAWANIPUR District- PURNIA

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Kamleshwari Mandal @ Kamleshari Mandal son of Shiv Narain Mandal @
Shiva Narain Mandal, resident of village Singhiyan Sundar, P.S.
Bhawanipur, District Purnea

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-12-2016 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in Bhawanipur
P.S. case No.178 of 2016 registered under Section 376 of the
Indian Penal Code, pending before the court of Shri L.B. Paswan,
Judicial Magistrate, 1st class, Purnea.

The prosecution case, in brief, is that on the alleged date
and time of occurrence while the informant was sleeping in her
house, the petitioner forcibly entered into her room and committed
rape upon her.

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. The



petitioner has falsely been implicated in the present case. There is admitted land dispute between the parties.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. and the allegation of commission of rape is alleged against him.

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.

(Sudhir Singh, J)

Narendra/-

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