

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47929 of 2015

Arising Out of PS.Case No. -113 Year- 2015 Thana -BOCHHA District- MUZAFFARPUR

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Md. Ismile son of Late Md. Gafoor, resident of Village- Maidapur,
Tinpayee, P.S. Bochahan, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Pramod Kr.Panday, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 29-01-2016

Heard the parties.

The petitioner apprehends his arrest in a criminal prosecution registered under Sections 420, 363 and 372/34 of the Indian Penal Code as also under Sections 4, 5 and 6 of The Immoral Traffic (Prevention) Act, 1956.

The learned counsel appearing on behalf of the petitioner submits that the first information report has been lodged after about five months of the alleged occurrence; therefore, the whole prosecution case is doubtful and the petitioner is entitled for grant of anticipatory bail.

Learned Addl.P.P. appearing on behalf of the State has opposed the prayer for grant of anticipatory bail made on behalf of the petitioner in view of the materials collected during the course of investigation.

Taking into consideration the fact that the petitioner is specifically named in the first information report vide Annexure-1 as an accused and further taking into consideration the fact that in her statement recorded under Section 164 Cr.P.C., which has been reproduced in paragraph 50 of the case diary, the victim girl has

disclosed that the petitioner participated in the crime in question and he committed rape upon her during her captivity, this Court is not inclined to accede to the prayer made on behalf of the petitioner for grant of anticipatory bail. Accordingly, his prayer for grant of anticipatory bail in connection with Bochahan P.S.Case No. 113 of 2015 pending in the court of Sri Suvash Kumar Roy, Judicial Magistrate, 1st Class, Muzaffarpur is rejected.

However, if the petitioner surrenders in the court below within a period of four weeks from today and applies for regular bail, then the same shall be considered and decided on its own merits without being prejudiced by the rejection of his prayer for grant of anticipatory bail by the present order.

(Birendra Prasad Verma, J)

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