

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33173 of 2016

Arising Out of PS.Case No. -27 Year- 2011 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Ghutar Murmu Son of Prithvi Murmu, resident of Village- Prithvi Tola
Singhia Police Station- K. Nagar District- Purnia.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Majhli Devi, Wife of Bsleshwar Basuki, resident of Village- Prithvi Tola,
Singhiya, Police Station- K.Nagar, District- Purnia.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikram Singh, Adv.
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 30-09-2016 Heard learned counsel for the petitioner learned counsel
for the complainant and the learned A.P.P.

The petitioner apprehends his arrest in C.A. Case No.
27/2011, registered for the offence punishable under Section 376
of the Indian Penal Code.

The complainant earlier filed K. Nagar P.S. Case No.
234/2007 under Sections 376 and 34 of the Indian Penal Code.
The complainant alleged that petitioner committed rape with her.
The police after investigation submitted final form finding the
allegation untrue and the case filed only because there is land
dispute between the parties. The complainant filed protest petition

after acceptance of final form. The case proceeded on complain.

Learned counsel for the petitioner submits that the complainant of course, filed protest petition, but on her solemn affirmation, the complainant did not make any allegation of rape against the petitioner. She simply alleged that the petitioner Ghutar Murmu stripped her cloth and put her down on the ground, but she did not say that petitioner committed rape with her.

Learned counsel for the complainant as well as learned A.P.P. however opposed the prayer for anticipatory bail of the petitioner and submitted that learned Chief Judicial Magistrate found prima facie case under Section 376 of the Indian Penal Code, but from perusal of the record it appears that the case lodged by the complainant was found false and police submitted final form thereafter the complainant filed protest petition. The complainant was examined by the Chief Judicial Magistrate, but she did not say in her statement that she was raped by anyone. Only allegation against the petitioner is that he stripped the cloth of the complainant and put her down.

Considering the facts aforesaid and the fact that there is land dispute between the parties and the case is pending for many years, the petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks

from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Purnia in connection with C.A. Case No. 27/2011, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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