

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35501 of 2016

Arising Out of PS.Case No. -26 Year- 2016 Thana -MAHILA PS District- GAYA

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1. Bholtu Kuraishi @ Dilsad Alam Son of Saim Khuraishi Resident of
Village- Khap, P.S Cherki, Dist Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad

For the Opposite Party/s : Mr. Ram Priya Saran Singh,APP

Mr. Ashok Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 20-09-2016

Heard the Counsel for the petitioner, the informant
and the State.

Petitioner, amongst others, is named accused in
Mahila P.S. Case No. 26 of 2016 registered under sections 376,
323, 504 and 506/34 of the Indian Penal Code.

The prosecutrix has alleged that while she was
sleeping in the courtyard, the petitioner tiptoed into the house and
forcibly captivated her and took to the nearby place and
committed rape on her. She got herself released and came to the
house whereafter the F.I.R. was lodged.

It is submitted on behalf of the petitioner that the
present petitioner also lodged a case of assault against the present
prosecution side in which he has disclosed his age as 15 years. The
injury report does not support the prosecution case. The case has

been lodged with a view to pressurize him to marry the victim.

Counsel for the informant as well as the State opposed the prayer and submitted that in course of investigation, the witnesses have supported the prosecution case. The victim was produced for her statement under section 164 Cr.P.C. in which she has fully supported the prosecution case.

Considering the allegation levelled against the petitioner and the materials reflected from the record including the order of the learned Sessions Judge, the petitioner, in my view, does not deserve privilege of anticipatory bail. Prayer is, accordingly, rejected.

(Kishore Kumar Mandal, J)

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