

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41526 of 2015

Arising Out of PS.Case No. -32 Year- 2015 Thana -MAHILA PS District- KATIHAR

1. Pradip Mandal @ Pradeep Kumar S/o Ramesh Mandal R/o Village-Sakraily (Sahanti Chowk) P.S. Barari, (Somapur O.P) Distric Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bal Krishna Mishra

For the Opposite Party/s : Mr. Bisheshwar Ram (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 10-02-2016

Heard learned counsel for the petitioner and learned
A.P.P.for the State.

The petitioner apprehends his arrest in connection
with Katihar Sadar Mahila P.S.Case No. 32/2015 (G.R. Case No.
1695 of 2015) registered for offences punishable under Sections
376, 323, 225/34 of the Indian Penal Code.

The prosecution case as made out by the victim, Rita
Devi is that while the informant-victim was sleeping in her house,
the accused-petitioner entered the house of the informant and
committed rape on her against her will and while flewing away,
snatched her ear ring, but he was caught by the family members of
the informant and kept in a room. In the morning all the family
members of the accused-petitioner broke the lock of the door,
where the petitioner was kept and forcibly rescued the petitioner
and further assaulted the informant and her family members.

It has been submitted by the learned counsel for the petitioner that the petitioner is a student and the victim is double the age and mother of three children. It has further been submitted that he has no criminal antecedent, as is evident from para-3 of this petition.

On the other hand learned A.P.P. Submits that the petitioner was caught red handed and in paras-9, 18 and 19 of the case diary, neighbours have also stated that they had caught the petitioner and locked him inside the room.

Further more, it has been submitted by the learned counsel for the petitioner that it was a consented act and there is delay about ten days, as the date of occurrence is 16.06.2015 whereas the F.I.R. was lodged on 26.06.2015.

Be that as it may, I am not inclined to grant anticipatory bail to the petitioner. However, the petitioner may surrender before the Court below and pray for bail before the learned Court below which will be considered by the learned Court below on its own merit.

(Nilu Agrawal, J)

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