

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27955 of 2016

Arising Out of PS.Case No. -7 Year- 2016 Thana -MAHILA P.S. District- KISANGANJ

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Md. Kadir, Son of Md. Saidul, resident of Village- Dhobi Bhitha, Police Station - Kurli Court, District-Kishanganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Satish Narayan Sinha, Advocate.

For the Opposite Party : Ms. Dr. Indihar Kumari, APP.

For the Informant : Mr. Utsav Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 30-09-2016 Heard both sides.

The petitioner apprehends his arrest in Mahila P.S. Case No. 7 of 2016 registered for the offences punishable under Section 376 and other Sections of the Indian Penal Code.

The victim made allegation that she had come to the house of her maternal uncle and while she went outside for urination the petitioner forcibly committed rape with her. The informant further alleged that the petitioner assured to marry with her and also threatened her not to raise any alarm. Again the petitioner committed rape with her on 20.02.2016, while she was returning to her house but on alarm many persons came there.

Learned counsel for the petitioner submits that the occurrence took place on 20.02.2016, but the FIR was lodged on



07.03.2016. With regard to first occurrence, the victim did not complain anywhere. The place of occurrence is about one kilometer away from the house of her maternal uncle but the victim alleged that on alarm many persons including the family members of her maternal uncle came and it does not appear to be probable that, if a person raises alarm from distance of one kilometer people will run after hearing the shouting. It is further submitted that the witnesses in paragraph – 18, 19 and 20 have stated that no occurrence as alleged by the victim has ever taken place. The victim was medically examined and no sign of sexual intercourse was found. The age of the victim is assessed between 17 to 19 years.

On the other hand, learned counsel for the informant as well as learned APP for the State opposed the prayer for anticipatory bail of the petitioner.

The victim made allegation that the petitioner forcibly committed rape with her while she was returning to her house after seeing her maternal uncle on 20.02.2016. The victim filed the petition before the S.P., Kishanganj on 22.02.2016, on the basis of which the present FIR was registered on 07.03.2016. The victim was medically examined after institution of the case and there appears quite natural that the doctor did not find any sign of sexual

intercourse. The victim appears to be minor and the victim made very specific allegation against the petitioner that the petitioner committed rape with her.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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