

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35960 of 2016

Arising Out of PS.Case No. -34 Year- 2016 Thana -MANSAHI District- KATIHAR

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1. Md. Mursed @ Murshid Alam @ Mursed son of Akhtar Alam
2. Mahboor Alam son of Rajaul Haque Both residents of village - Ratanpur,
P.S. Manihari, District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. B. N. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 27-09-2016 Heard both sides.

The petitioners apprehend their arrest in Mansahi
P.S. case No. 34 of 2016 under Section 376, 366 and other
Sections of the Indian Penal Code.

The prosecutrix alleged that while she was all alone
in her house, Md. Manjar Alam, Murshid and Mahboor Alam
came, forcibly kidnapped her and took her in a village. They
confined her in a room leaving Manjar Alam in the room with the
prosecutrix. Thereafter, Manjar Alam committed rape with her.

The learned counsel for the petitioners submits that
prosecutrix stated that she was left alone at some distance from her
house on 03.06.2016 and Salamat and Guddu were there but the



police did not examine them. The prosecutrix lodged the case on 04.06.2016. The prosecutrix made her statement under Section 164 of the Cr. P.C. but she did not say about the handing over of pistols by the petitioners to Manjar Alam. During the course of investigation, some of the witnesses have stated in paragraphs 38, 39 and 40 of the case diary that prosecutrix is a divorcee and her mother was pressing Manjar Alam to marry with the prosecutrix and that is why this false case has been filed but from perusal of the statement of the victim and case diary, it appears that the victim made very specific allegation that these two petitioners also kidnapped her along with Manjar Alam and confined her in a room thereafter Manjar Alam committed rape with her.

Considering the facts aforesaid and the nature of allegation made against the petitioners, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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