

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46819 of 2016

Arising Out of PS.Case No. -35 Year- 2016 Thana -JAMALPUR District- DARBHANGA

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1. Ganesh Mukhiya Son of Prabhu Mukhiya, resident of Village- Chatra Ghat, P.S.- Jamalpur (Bargaon O.P.), District- Darbhanga (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra

For the Opposite Party/s : Smt. Sahin Begam

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 15-12-2016

Heard both sides.

The petitioner apprehends his arrest in Jamalpur (Bargaon O.P.) P.S. case No. 35 of 2016 under Section 452, 376/511 of the Indian Penal Code.

The prosecutrix alleged that the petitioner entered into her house in the dead night and made attempt to commit rape with her. On alarm, many persons woke up and caught the petitioner but the villagers intervened for Panchayati. Later on the petitioner refused to obey the decision of Panches.

The learned counsel for the petitioner submits that petitioner lodged Jamalpur (Bargaon O.P.) P.S. case No. 49 of 2016 on 08.06.2016 and made his fard bayan on 19.05.2016 in DMCH. The petitioner alleged that he was called by Sanjay



Mukhiya on the pretext that his son was seriously ill and thereafter Sanjay Mukhiya and others including Deepak Mukhiya, son of the prosecutrix, assaulted him. It is submitted that now the case has been compromised.

Considering the fact that the prosecutrix made allegation against the petitioner that he entered into her house in order to commit rape, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, i.e., the learned Sub-divisional Judicial Magistrate, Biraul in Jamalpur (Bargaon O.P.) P.S. case No. 35 of 2016, the learned court below shall consider the prayer for regular bail of the petitioner on its own merit without being prejudiced from the order of this court.

(Prabhat Kumar Jha, J)

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