

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31149 of 2017

Arising Out of PS.Case No. -32 Year- 2016 Thana -MAHILA P.S. District- KISANGANJ

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Shamser Alam, S/o Sabir, R/o Village-Nischit Pur Malami, P.S.-
Thakurganj, District-Kishanganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Sinha

For the Opposite Party/s : Mr. Shailendra Kumar -1

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 17-07-2017 Heard both sides.

The petitioner apprehends arrest in connection with Kishanganj Mahila P.S. Case no. 32 of 2016 registered for the offence punishable under Sections 376, 323, 504 and 506 of the Indian Penal Code.

The informant in her written statement submitted before S.H.O. Mahila Police Station has alleged that she is presently aged about 18 years and for about two years ago, this petitioner in the absence of her parents entered into her house and seeing her alone forcibly committed rape on her. The informant raised alarm whereupon he gave assurance to marry her. Thereafter, he established physical relation several times. Subsequently, when the informant asked for marriage, the petitioner refused and a Panchayati was also convened. The informant along with her father visited at the place of this petitioner where the petitioner



and his family members abused and assaulted them.

It is submitted that prior to the present case, the sister-in-law (Bhabhi) of this petitioner had filed a Misc. Case no. 801 of 2016 before S.D.J.M., Kishanganj alleging therein that on 13.06.2016, the informant forcibly entered into her house. She is a girl of questionable character and only to harass the petitioner and his family members has lodged the present case with false and frivolous allegations and so he deserves anticipatory bail.

The learned APP, on the other hand, opposed the submissions.

This petitioner is named in the First Information Report and from the allegation, it appears that he forcibly committed rape on the informant when she was at the age of 16 years. He gave false promise to perform marriage and thereafter established physical relation on several occasions. It further appears that the informant in her statement made under Section 164 of the Cr.P.C. before Magistrate, has supported the allegation of rape against the petitioner.

Considering the facts and circumstances of the case, I do not find it a fit case for grant of anticipatory bail. The anticipatory bail prayer of this petitioner is rejected.

(Sanjay Kumar, J)

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