

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50674 of 2016

Arising Out of PS.Case No. -161 Year- 2014 Thana -SARAI District- VAISHALI(HAJIPUR)

Hiran Bhagat, S/o late Ramrup Bhagat, resident of Village- Paura, Madan Singh, tola Darhara, P.S. Sarai, District Vaishali.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Dharmesh Kumar, Advocate.

For the Opposite Party : Mr. Navin Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-01-2017 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Sarai P.S. Case No. 161 of 2014 for the offences instituted under Sections 147, 148, 323, 324, 307, 354, 376/511 and 380/34 of the IPC.

It is alleged that the petitioner entered into the house of the informant and forcibly tried to commit rape upon her sister-in-law(Gotani). On protest, the accused persons assaulted the informant and her family members. They also took jewellery



worth Rs. 3,00,000/- and other articles of the informant and her sisters-in-law (Gotanis).

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The alleged date of occurrence is said to be 20.08.2014. In respect to which, a complaint case was filed in the court below on 22.08.2014. The delay has not been explained by the prosecution. A police case was also instituted by the petitioner. His fardbeyan was recorded in the hospital, Emergency Ward at Hajipur on 20.08.2014 i.e., prior to institution of the complaint case made by the complainant/ informant. The present prosecution is a malafide in nature.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R and specific allegation has been made against him.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Sarai P.S. Case No. 161/2014, pending in the court of learned C.J.M. Vaishali at Hajipur. Anyhow, if the petitioner surrenders in the court below, the same shall be considered on its own merit without being prejudiced by the order



of this Court taking into account the submissions made on behalf
of learned counsel for the petitioner.

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(Sudhir Singh, J)

