

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53945 of 2016

Arising Out of PS.Case No. -101 Year- 2016 Thana -KHAJEKALA District- PATNA

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1. Md. Khalid, S/o Late Md. Sahabuddin, Resident of Mohalla- Danka Kuncha, P.S.- Khajekalan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal
: Mr. Diwakar Prasad Karn
For the Opposite Party/s : Mr. Sri Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 13-01-2017 Heard learned counsel for the petitioner as well as
learned Addl. Public Prosecutor.

The petitioner prays for anticipatory bail in connection Khajekalan PS case no. 101 of 2016 registered for the offence punishable under section 376, 511 of the Indian Penal Code and under Section 12 of POSCO Act.

It is submitted on behalf of petitioner that though allegations are under Section 376, 511 IPC and various other sections but the informant of the case is nowhere related with the victim and earlier to filing of the present case, petitioner has lodged a case against informant which is annexed as Annexure-2 to the petition. It is further submitted that there is case and counter case going on between the parties and thus the allegation against



the petitioner does not appear to be true on the very face value of the materials available on record. As such, he may be enlarged on anticipatory bail.

Heard learned APP and learned counsel for informant also. It has been submitted on behalf of learned counsel for informant that victim has supported the case in her statement under Section 164 Cr.P.C. and several witnesses also supported the case. As such petitioner does not deserve bail.

Having heard both sides. In view of the facts stated above, this is not a fit case for grant of anticipatory bail and hence the prayer for anticipatory bail is rejected. However, petitioner may surrender before the court below and pray for regular bail and the learned court will decide the matter on its own merit without being prejudiced by the order of this court.

With these observations, this bail application is dismissed.

(Vinod Kumar Sinha, J.)

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