

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2721 of 2017

Arising Out of PS.Case No. -1655 Year- 2015 Thana -MADHEPURA COMPALINT CASE
District- MADHEPURA

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Md. Pappu S/o Md. Moti, Resident of Village- Madhepura , Ward No.- 12,
Police Station- Madhepura, District- Madhepra.

.... Petitioner

Versus

1. State of Bihar
2. Bibi Khudaria @ Khudru W/o Md. Abid, D/o- Late Muso Mian, R/o
Village- Sukhasan. P.S.- Singheshwar, District-Madhepura.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Shekhar Kumar Singh, Advocate.

For the State : Mr. Nand Kishore Pd, APP

For the opposite party no.2: Mr. Ramesh Kumar Singh & Sanjay Kumar
Singh, Advocates.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 20-04-2017 Heard the learned counsel for the petitioner, the

learned A.P.P. for the State as also the learned counsel for the

Complainant.

In this application for anticipatory bail the petitioner
apprehends his arrest in connection with Complaint Case No. 1655
of 2015 for the offence punishable under section 376 of the I.P.C.

On the basis of the complaint petition Singheshwar
P.S. Case No. 186 of 2014 was registered under section 376 of the
I.P.C. against the petitioner, wherein after completing
investigation the police submitted final form after finding the
allegation false. Thereafter, protest-complaint was filed and on the



protest-complaint the learned A.C.J.M.-II, Madhepura did not take cognizance and dismissed the complaint petition. Thereafter, revision was filed and the revision was allowed and then the matter was remanded back and thereafter by order dated 06.09.2016 cognizance was taken under section 376 of the I.P.C by the A.C.J.M-II and the summon was ordered to be issued. The allegation is that the petitioner committed rape with the complainant in the garage.

Submission is of false implication and that the complainant is habitual in filing such type of complaint, she has filed such type of complaint against Md. Abid, the informant has not been medically examined, the complaint petition was filed after two months and ten days of the occurrence and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the Complainant opposes prayer for pre-arrest bail of the petitioner by submitting that the police being in collusion and conspiracy with the petitioner has submitted final form, but now cognizance has already been taken and as such the petitioner does not deserve bail.

In the facts and circumstances as stated above, considering that the police after investigation submitted final form



and as such the petitioner, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of. A.C.J.M-II, Madhepura in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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