

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.416 of 2017

Arising Out of PS.Case No. -104 Year- 2016 Thana -AWADPUR District- KATIHAR

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1. Md. Hakim, son of Muksed Ali, resident of Village Mayapur, P.S. Chanchal, District Malda (West Bengal.).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad

For the Opposite Party/s : Mr. Sri Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 16-01-2017 Petitioner is apprehending his arrest in connection with Abadpur P.S. Case No. 104 of 2016, registered for offences punishable under Sections 498A, 376 and 120B of the Indian Penal Code.

It has been submitted on behalf of the petitioner that there is allegation of rape against the petitioner but he is the devar of the informant and also the supervising authority has not found the story of rape true in supervision note and the petitioner has been falsely implicated in the present case.

Heard learned A.P.P. also.

Having heard both sides, on perusal of the impugned order, it appears that there is direct and specific allegation of rape against this petitioner, I am not inclined to grant the petitioner, the



privilege of anticipatory bail, it is accordingly rejected.

However, considering the submission of learned counsel for the petitioner that the supervising in his supervisory note has not found the story of rape true, the petitioner is directed to surrender before the Court below and pray for regular bail and the Court below after considering this aspect of the matter, shall dispose of the petitioner's application on its own merit without being prejudiced by the order of this Court.

(Vinod Kumar Sinha, J)

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