

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13272 of 2017

Arising Out of PS.Case No. -123 Year- 2016 Thana -MAHILA P.S. District- MUZAFFARPUR

=====

Ravindra Kumar (Ranjan), S/o Sri Dinesh Kumar Mahto, Resident of
Mohalla- Beriya, Near Beriya Golumber, Middle School, P.S.- Ahiyapur,
District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. Sri Khurshid Anwar

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

4 17-05-2017 Heard Mr. D.K. Sinha, learned Senior Counsel for

the petitioner and the learned APP for the State.

The petitioner apprehends his arrest in connection
with Mahila P.S. Case No. 123 of 2016 Muzaffarpur (East)
instituted for the offence punishable under Section 376 of the
Indian Penal Code.

The informant lodged information with Mahila
Police Station, Muzaffarpur, alleging therein that she visited at
the place of her *Mausi* (mother's sister) where this petitioner,
who happens to be cousin, misbehaved her. The petitioner, at
one occasion, committed wrong with her. The petitioner
assured to marry her after getting employment. The informant
lodged a complaint which on the persuasion was withdrawn.



Thereafter, the petitioner started visiting at her place.

The learned counsel for the petitioner submits that no offence under Section 376 of the Indian Penal Code is made out. The informant has simply alleged that the petitioner had misbehaved her. In course of the investigation, neither the parents nor the informant supported the allegation of rape. The statement recorded under Section 164 Cr. P.C. is contradictory. The informant is a dull girl and she lodged the case at the instance of some others with false and frivolous allegation. The complainant does not want to proceed with her case and an application to this effect has already been filed before the court below.

Learned APP, on the other hand, opposed the submission.

Perused the F.I.R. and the case diary. It appears that the statement of parents of the informant is recorded at paragraph nos. 6 and 7 of the case diary wherein they have not supported the allegation of rape on their daughter. They have stated that someone has got the case lodged with false and frivolous allegation. The statement of other witnesses, who are the resident of same place is recorded at paragraph nos. 11 and 12 of the case diary wherein they too have not supported the



allegation of any misbehave by this petitioner. The informant at paragraph no. 18 of the case diary has stated that she does not want to proceed with the case as the same was lodged with false allegation at the instance of some people.

Considering the facts and circumstances of the case, the anticipatory bail prayer is allowed. The petitioner, above named, in the event of arrest / surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 7th Sub-Judge-cum-A.C.J.M, Muzaffarpur in connection with Mahila P.S. Case No. 123 of 2016, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sanjay Kumar, J)

ajaypd./-

U		T	
---	--	---	--

