

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25017 of 2017

Arising Out of PS.Case No. -135 Year- 2016 Thana -MAHILA P.S. District- MUZAFFARPUR

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1. Ajay Sharma Son of Ramji Sharma Resident of Village - Chakmadhua,
P.S. - Saraiya, District - Muzaffarpur, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh

For the Opposite Party/s : Mr. Smt. Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 24-07-2017 Heard both sides.

The petitioner apprehends his arrest in Mahila (Muzaffarpur) P.S. Case No. 135 of 2016 registered for the offences punishable under Sections 376 and 354B of the Indian Penal Code and under Sections 4 and 18 of the Protection of Children from Sexual Offences Act.

The victim made allegation that while she was returning to her house after coaching the petitioner caught her and made an attempt to outrage her modesty. The victim further alleged that the petitioner earlier committed rape with her.

Learned counsel for the petitioner submits that the occurrence took place on 20.12.2016 but the FIR was lodged on 28.12.2016. The petitioner is cousin brother of the informant. The



medical report does not support the versions of the victim. It is further submitted that there is dispute between the two families for ingress and egress that is why this case has been lodged that appears from the perusal of the FIR itself but, the informant made specific allegation against the petitioner that he made an attempt to commit rape and had also earlier committed rape with her. The victim also reiterated the same facts in her statement made under Section 164 of the Code of Criminal Procedure.

Considering the facts aforesaid and nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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