

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15609 of 2017

Arising Out of PS.Case No. -288 Year- 2013 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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Mahmud Alam Son of Rahamtulla, Resident of Village-Shahpur Khurd,
P.S.-Goraul, District-Vaishali,

.... Petitioner/s

Versus

1. The State of Bihar
2. Samina Khatoon, W/o Md. Jalil, Resident of Village-Shahpur Khurd,
P.S.-Goraul (Kathara-OP), District-Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Chandra, Advocate
For the Opposite Party/s : Mr. Sri Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

4 15-06-2017 Heard learned counsel for the petitioner and the learned
APP appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Complaint Case No. 288/2013, T.R. No. 5497/13 registered under
Sections 376/511 of the Indian Penal Code.

Allegation in brief is that while the informant went to
attend call of nature in bamboo cluster, all of a sudden the
petitioner caught her and attempted to commit rape but on alarm
raised her husbands reached there thereafter the accused fled
away.

Learned counsel appearing on behalf of the petitioner
submits that petitioner is next door neighbour of the informant and



he had also lodged a case against husband of the informant. However, the matter has been compromised by filing compromise petition.

Having considered the said facts and circumstances and the fact that specific allegation is against the petitioner so his prayer of pre-arrest bail is rejected in connection with Complaint Case No. 288/2013, T.R. No. 5497/13 pending in the Court of learned Additional Chief Judicial Magistrate-II, Vaishali at Hajipur. However, the petitioner should surrender and seek regular bail and the same shall be considered on merit without being prejudiced by this order.

(Arun Kumar, J.)

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