

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17169 of 2017

Arising Out of PS.Case No. -45 Year- 2016 Thana -MAHILA PS District- GOPALGANJ

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Rab Hussain Alam, Son of Nabi Jan Miyan, Resident of Village – Batardeh,
P.S. – Barauli, District – Gopalganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shafiur Rahman, Advocate.

For the Opposite Party : Mr. S.M. Rahman, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 05-07-2017 Heard both sides.

The petitioner apprehends his arrest in Gopalganj Mahila P.S. Case No. 45 of 2016 registered for the offences punishable under Section 376 and other Sections of the Indian Penal Code.

The prosecutrix alleged that her husband died three years ago. The petitioner entered into her house on 21.10.2016 and tried to establish physical relationship. On protest the petitioner assaulted the victim. The petitioner was apprehended by the villagers and a Panchayati was held.

Learned counsel for the petitioner submits that the petitioner is a boy aged about 25 years. The victim is a widow and she got three children. The victim wanted to marry with the petitioner and that is why the informant filed this case making



false allegation. The occurrence took place on 21.10.2016 and the FIR was lodged on 23.11.2016 but from perusal of the FIR and the case diary it appears that the witnesses have also stated that the petitioner was apprehended by the villagers while he was assaulting the victim. A panchayati was held but the petitioner refused to marry with the victim.

Considering the facts aforesaid and the fact that there is specific allegation that the petitioner established physical relationship with the victim, 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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