

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62257 of 2017

Arising Out of PS.Case No. -21 Year- 2017 Thana -MAHILA P.S. District- KISANGANJ

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Noor Alam @ Kinnu Son of Late Latifur Rahman Resident of village-
Sathbitta, P.S.- Kochadhaman, District- Kishanganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Diwakar Sinha

For the Opposite Party/s : Mr. Shailendra Kumar -2

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 24-01-2018 Heard the learned counsel for the petitioners and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Mahila P.S. Case No. 21 of 2017 registered for the offence punishable under Section 376 of the Indian Penal Code.

The allegation against the petitioner is abducting the victim girl when she has gone for natural call and thereafter the petitioner had tied the mouth of the victim girl and committed rape on her. Subsequently, an FIR was lodged and statement of the victim girl was recorded under Section 164 Cr.P.C. wherein she substantiated the factum of rape having been committed by the petitioner on her.

The learned counsel for the petitioner submits that the



FIR has been lodged belatedly and there is variance in the version stated in the FIR from that stated in 164 Cr.P.C. statement and the victim girl has stated in 164 Cr.P.C. statement that she wants to marry the petitioner herein and in case he does not marry her then she would file a case.

Having regard to the facts and circumstances of the case as also the factum that the petitioner has committed a heinous crime which is fully corroborated from the evidences collected during the course of investigation as is apparent from the case diary, It is not a fit case for grant of anticipatory bail.

Accordingly, the anticipatory bail petition is dismissed.

(Mohit Kumar Shah, J)

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