

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57998 of 2017

Arising Out of PS. Case No.-276 Year-2017 Thana- BARARI District- Katihar

Md. Ashfak S/o Sis Mohammad R/o Baisa Govindpur, P.S. - Barari
(Semapur), Distt - Katihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh
For the Opposite Party/s : Mr. Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 13-02-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Barari (Semapur)_P.S.
case no. 276 of 2017 instituted for the offence under Section
376 of the Indian Penal Code.

In the complaint petition which was sent to the police
station under Section 156(3) of the Cr. P.C., the informant has
alleged that on the date of occurrence this petitioner entered
into the house when she was sleeping and committed rape with
her.

The case diary has been received wherein the statement of
the victim girl recorded under Section 164 Cr. P.C. is available
in para 30, wherein she has levelled specific allegation against
this petitioner that he forcibly committed rape with her.



Learned counsel(s) for the informant and the State have appeared.

Learned counsel for the informant has submitted that explanation for the delay has been given in para -5 of the complaint petition as the victim had gone to the police station to lodge the case but the police did not register the case.

The counsel for the petitioner submits that the doctor has found no injury in the private part of the victim girl. But from the Medical report, it is apparent that the same has been done on 06.10.2017 whereas the occurrence is said to have taken place on 09.05.2017. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner. Prayer for anticipatory bail of the petitioner stands rejected.

Petitioner may surrender before the Court below and make prayer for regular bail which shall be considered and disposed of on its own merit in accordance with law without being prejudiced by the present order.

(Sanjay Priya, J)

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