

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 5041 of 2018

Arising Out of PS. Case No.-67 Year-2017 Thana- Mahila P.S. District- Araria

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Jivan Kumar Gupta S/o Dineshwar Prasad Sah, R/o Village- Chakai Ward No. 6, P.S.- Jokihat , District- Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s :	Mr. Ajit Kumar Singh
For the Opposite Party/s :	Mr. Dashrath Mehta
	Mr. Gopal Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 23-03-2018 Heard Sri Ajit Kumar Singh, learned counsel for the petitioner, Sri Dashrath Mehta, learned Addl. Public Prosecutor as well as Sri Gopal Kumar Jha, learned counsel for the informant.

The sole petitioner, apprehending his arrest in Mahila P.S. Case No. 67 of 2017 registered for offence under Section 376 of the Indian Penal Code, has prayed for grant of bail in the event of his arrest or surrender.

It was submitted by learned counsel for the petitioner that in this case, though alleged occurrence had taken place on 24-09-2017, without any explanation, F.I.R. was lodged belatedly on 26-09-2017 and the victim was got medically examined on 27-09-2017. In medical examination, no specific



sign of rape was noticed. He further submits that prior to present case, some occurrence had also taken place, in which, minor child of the petitioner was found missing and thereafter, a complaint case was filed, in which, informant side has been made accused. However, learned counsel for the petitioner did not dispute the fact that complaint petition was filed much belatedly i.e. much after the filing of the F.I.R. in the present case.

In this case, earlier by order dated 17-02-2018, xerox copy of the case diary was summoned alongwith the statement of the victim recorded under Section 164 of the Cr.P.C., which have been received and on going through the statement of the victim recorded under Section 164 of the Cr.P.C., I am of the opinion that it is not a case for grant of anticipatory bail.

Dismissed.

(Rakesh Kumar, J.)

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