

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2253 of 2018

Arising Out of PS.Case No. -71 Year- 2017 Thana -MAHILA P.S. District- MADHUBANI

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1. Anwar Khan @ Anaw Kha Son of Yusuf Khan resident of Village Jaideo
Patti Parari, P.S. - Ghanshyampur, District - Darbhanga.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Mustaque Alam

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-01-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in a case
instituted under Sections 147, 148, 323, 379, 380, 354(B), 376,
511, 498(A), 427 and 504 of the Indian Penal Code.

The allegation against the petitioner is of making
attempt to commit rape upon the victim.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. The
petitioner has falsely been implicated in the present case. No
specific motive has been alleged against the petitioner. The
petitioner is the nephew of the victim. The complaint case has
been filed after 11 days of the alleged occurrence. The delay has



not been explained by the prosecution. The petitioner is separate in mess and property from the husband of the victim. The alleged complaint has been filed due to property dispute.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R. The victim is a widow. On the inducement made by the petitioner, she had left her house and the petitioner had made an attempt to commit rape upon her.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Mahila Madhubani P.S. Case No.71/2017, pending in the court of learned S.D.J.M., Madhubani.

Any how if the petitioner surrenders in the court below, the same shall be considered on its own merit without being prejudiced by this order and same shall be disposed of preferably on the same day.

(Sudhir Singh, J)

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