

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42648 of 2018

Arising Out of PS.Case No. -235 Year- 2017 Thana -BALRAMPUR District- KATIHAR

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1. Maswood Alam @ Mashuk Alam @ Masood Alam, Son of Late Fatiuddin Alam, Resident of Village- Bir Nagar, P.S.- Balrampur, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Qumrul Hoda

For the Opposite Party/s : Mr. Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 24-07-2018 The petitioner is apprehending his arrest in connection with Balrampur P.S. Case No. 235/2017, registered for offences punishable under Sections 376 and 384 of the Indian Penal Code.

Allegation against the petitioner is of committing rape upon the informant by calling her in the house on the pretext of getting her husband bail out.

It has been submitted on behalf of the petitioner that the court below has assessed her age as 49 years and petitioner is 50 years old and the story of commission of rape is false and concocted and as a matter of fact the husband of the informant is an accused in a rape case, in which the petitioner is a witness and only to put pressure on him, the present false case has been lodged.



Heard learned A.P.P. as well as learned counsel for the informant who opposed the bail application by stating that in her statement under Section 164 Cr.P.C. she has also supported the story of rape against the petitioner.

Having heard both sides, considering the facts and circumstances of the case, nature of offence, I am not inclined to grant benefit of privilege of anticipatory bail to the petitioner rather he should surrender and pray for regular bail which would be considered on merit of the case.

Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

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