

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53093 of 2018

Arising Out of PS.Case No. -77 Year- 2018 Thana -PRANPUR District- KATIHAR

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Azimuddin S/o Late Majed Ali , R/o Vill.- Kuchiyahi, P.S.- Prampur,
District- Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vimal Kumar, Advocate

For the Informant : Mr. Kamlesh Kumar Pathak, Advocate

For the Opposite Party/s : Ms. Anita Kumari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 08-10-2018

Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in connection with Prampur P.S. Case No. 77 of 2018 registered under Sections 376, 341, 323, 504 of the Indian Penal Code, pending in the court of learned A.C.J.M. – I, Katihar.

Learned counsel for the petitioner submits that from perusal of the statement of the informant it would appear that she had entered into physical relationship with the petitioner on her own will and had never objected to the same. Even in her statement under Section 164 Cr.P.C. she has not disclosed that she had any hesitation while entering into the physical relationship with the petitioner. She has disclosed her age about 22 years.



On the other hand, learned Additional Public Prosecutor for the State opposes the prayer for anticipatory bail of the petitioner and submits that the petitioner does not deny his having entered into physical relationship with the informant. It is the allegation of the informant that she was allured when she wanted to raise hulla at the very first instance.

Considering the facts and circumstances of the case where there are allegations of committing rape is against the petitioner, this court is not inclined to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is rejected.

(Rajeev Ranjan Prasad, J)

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