

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7253 of 2019**

Arising Out of PS. Case No.-2106 Year-2001 Thana- COMPLAINT CASE District- Araria

Md. Shamim Akhtar @ Md. Shamim Munsif @ Shamim Munsif Late Abdul  
Majid, resident of Village- Dhaka manja, Hawai Adda Kishanganj

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Bibi Jaibun, Wife of Md. Farid Resident of Village - Bairgachhi

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Mukesh Kumar Jha

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

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

6      28-08-2019                      This is an application for grant of anticipatory bail in connection with Complaint Case No. 210C of 2001, disclosing offences under Sections 341, 448, 354 of the Indian Penal Code.

Allegation against the petitioner is that he entered inside the house of the informant and committed rape upon her. It further appears that a Co-ordinate Bench of this Court had directed in issuance of notice to the opposite party no.2 and in spite of notice, she has not appeared and there is report of S.P. that she is not residing at the given address and she has gone outside.

Submission of the learned counsel for the petitioner is that it is out and out false case which will appear that she was not found residing at the place given in the complaint petition,



as such, service could not be served. There is case under Section 354 of IPC.

Heard learned A.P.P. also.

Having heard both sides, considering the fact that the case is of the year 2001 and petitioner is now appearing in 2018, I am not inclined to grant privilege of anticipatory bail to the petitioner, however, the petitioner may move before the learned court below and make such submission that he has not received any summons nor any warrant has been issued against him. The learned court below will verify the same from the record, and after considering the same, he will dispose of the bail application of the petitioner, if possible on the same day.

With the aforesaid, this application is dismissed.

**(Vinod Kumar Sinha, J)**

Sunil Shukla/-

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