

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28415 of 2019

Arising Out of PS. Case No.-112 Year-2019 Thana- MUFFASIL District- West Champaran

Rahmat Ali, son of Sobrati Ansari, resident of village - Gurwaliya, Kachahari Tola, P.S.- Bettiah Muffasil (Manuapul), District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 09-08-2019 This is an application for grant of anticipatory bail in connection with Bettiah Muffasil (Manuapul) P.S. Case No. 112 of 2019, disclosing offence under Section 376 of IPC.

Allegation against the petitioner is that he has committed rape with the informant and threatened her not to disclose anyone.

Submission of the learned counsel for the petitioner is that there is a delay of one month in lodging of the F.I.R. Further submission is that from the perusal of the F.I.R. it would be absurd that she waited for Panchayati for one month. Further witnesses in Para 17 of the case diary has not supported the prosecution case and the money transaction between the parties. Further submission is that the informant has not appeared for her medical examination, which will appear from the case diary as there is no medical report available on the record.



Heard learned A.P.P. also.

Perusal of the case diary, it reveals that the same has not been produced in complete and as such, it is not possible to verify the submission of the learned counsel for the petitioner.

In such view of the matter, this application is disposed of with a direction to the petitioner to surrender before the learned court below by 19.08.2019, the learned court below shall verify the above submissions of the learned counsel for the petitioner, once the submission of the learned counsel for the petitioner is found to be true, the petitioner shall be released, on its own satisfaction, otherwise petitioner has to surrender and make prayer for regular bail.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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