

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40265 of 2019

Arising Out of PS. Case No.-27 Year-2018 Thana- CHAUTHAM District- Khagaria

MD. TIPU Son of Md. Mojahid Resident of Village - Sarsaba, P.S.-
Choutham, District – Khagaria. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 20-09-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 448 &
376/34 of the Indian Penal Code.

Petitioner is said to have committed rape against
the victim intruding into her house in the night and was
apprehended by her family members on making alarm by her.

It is submitted by learned counsel for the petitioner
that the petitioner has no concern with the aforesaid occurrence.
He has been falsely implicated in the case due to land dispute.
The victim by filing compromise petition in the case has denied
the complicity of the petitioner in the case and has stated that
she has filed this case against the petitioner out of passion. The
victim was not medically examined. Petitioner has no criminal



antecedent. Hence, he may be enlarged on bail.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the petitioner has committed rape against the victim intruding into her house and was apprehended by the family members at the time of occurrence. The victim in her statement made under Section 161 & 164 Cr.P.C. has supported the occurrence. Witnesses have also supported the factum of apprehension of the petitioner at the time of occurrence. Hence, the petitioner does not deserve bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected. However, the petitioner is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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