

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43580 of 2019

Arising Out of PS. Case No.-118 Year-2019 Thana- BAHADURGANJ District- Kishanganj

SALMAN @ SALMAN RAZA S/o Late Ataur Rahman R/o village-
Barahdanga, P.S.- Bahadurganj, District- Kishanganj

... .. Petitioner

Versus

1. The State of Bihar

2. Arvi @ Goji daughter of Sakil Alam, R/o vilalge- Barahdanga, Ward No.
15, P.s.- Bahadurganj, District- Kishanganj

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Vijay Kumar, Advocate
For the Opposite Party/s :	Mr. Bharat Lal, APP
For the informant :	Mr. Shashi Chandra Pandey, Advocate
	Mr. Diwakar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 03-12-2019 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel representing the O. P. No. 2.

The petitioner in this case is seeking anticipatory bail in connection with Bahadurganj P.S. Case No. 118 of 2019 registered for the offences punishable under Sections 376, 506/34 of the Indian Penal Code and Sections 3 / 4 of the Dowry Prohibition Act.

Pursuant to the last order the case diary has been received.

Although it is the contention of the learned counsel for the petitioner that the entire allegations are false and flimsy and on earlier occasion he had offered to undergo DNA test and in this connection he had to take appropriate steps towards the



court below, at this stage nothing has been brought to the notice of this Court to show that the petitioner had taken any bona fide steps either to present himself before the investigating officer or to take any other steps towards getting the DNA test done.

The materials present in the case diary in the form of statements of the victim under Section 161 Cr.P.C. and under Section 164 Cr.P.C. show that there is allegation of rape against this petitioner on the pretext of marrying the victim girl. The medical board has found the victim pregnant.

In the aforesaid facts and circumstances of the case, there being an allegation of rape and the petitioner has failed to show his bona fide, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. His prayer is thus, refused.

Since, the provisional bail granted to the petitioner vide order dated 16.07.2019 is not confirmed, the petitioner shall surrender in the court below forthwith.

(Rajeev Ranjan Prasad, J)

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