

Arising Out of PS. Case No.-30 Year-2018 Thana- UPHARA District- Aurangabad

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manish Kumar No-2

For the Opposite Party/s : **Mr. Ramchandra Singh**

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

[illegible]

The petitioner apprehends his arrest in connection with Uphara P.S. Case No. 30 of 2018, registered under Section 376, 420, 448, 504 and 506 of the Indian Penal Code, pending in the court of the J.M. 1st Class, Daudnagar at Aurangabad.

The accusation is that with intention to harass sexually to the informant, Sita Sundari Devi, ASHA worker, this petitioner entered at several occasions in her house, where informant along with her minor child used to reside, as her husband lives outside for his livelihood. She did not make complaint to anyone due to prestige and fear. On 27.05.2017, in the night, petitioner entered at her house and committed rape and again on 31.05.2017, she was raped. Thereafter, informant



made request to leave her then petitioner gave threatening to keep mum otherwise she will be ruined and her husband will be killed. Thereafter, petitioner, again, committed rape on 08.01.2018, 09.04.2018 and 12.04.2018 with informant then out of fear, informant went to Tata, but she was being abused and tortured by making call on her mobile saying that if she will not return within eight days, her husband will be killed.

Learned counsel appearing on behalf of the petitioner submits that, in fact, the informant and petitioner are co-villagers and according to F.I.R. itself, the petitioner is younger to the informant. Further submission is that, in fact, petitioner had given loan of Rs. 15000/- to the informant on the occasion of marriage of her daughter, which was performed in the month of May, 2018 and on demand, the money was not paid and informant lodged this false case only to give undue pressure. Further submission is that since prior to the present case, there was no case against the petitioner as he has stated in paragraph-3, but later he came to know that he has also been made accused in Uphara P.S. Case No. 42 of 2018, under Section 341, 323, 457, 380, 436, 511, 427, 504 and 506/34 of the Indian Penal Code.

On the other hand, learned counsel appearing on



behalf of the informant submits that informant has supported the allegation as made in the F.I.R. The witnesses have also stated regarding teasing by the petitioner to the informant.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands rejected.

(Rajendra Kumar Mishra, J)

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