

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49220 of 2019**

Arising Out of PS. Case No.-813 Year-2018 Thana- MOTIPUR District- Muzaffarpur

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MOHAMMAD MUNNA @ MUNNA MIYAN @ MD. MUNNA Son of Shah
Mohammad Resident of Village - Nariyar tola Baraitha, P.S.- Motipur, District
- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bela Singh

For the Opposite Party/s : Mr.Uday Chand Prasad

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

4 24-10-2019 This application, for grant of anticipatory bail,

arises out of Motipur P.S. Case No. 813/18, disclosing offences

under Sections 376/511 of the Indian Penal Code.

Allegation as per complaint petition, on the basis of

which, F.I.R. has been registered is that the petitioner tried to

commit rape on the daughter of informant after disrobing her.

Submission of learned counsel for the petitioner that

the all the allegations are false and concocted and considering

the same both the parties have now settled the dispute. Further

submission is that there is property dispute between the parties

and due to which, this false case has been lodged. It has also

been submitted that the statement of the girl, namely, Shahnaz

has not been recorded, on whose, appearance, it is alleged that



petitioner fled away from the place of occurrence.

Learned counsel for the State opposed the prayer for anticipatory bail on the ground that in this case, statement of victim girl has been recorded under Section 164 Cr.P.C., in which, she has supported the prosecution case and further the statement of girl, namely, Shahnaz has also been recorded and she has also supported the prosecution case.

Having heard both sides, considering the facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the petitioner rather petitioner has to surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case, without being prejudiced by this order.

This application is, accordingly, dismissed

(Vinod Kumar Sinha, J)

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