

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51303 of 2019

Arising Out of PS. Case No.-22 Year-2019 Thana- MAHILA P.S District- West Champaran

1. BIJAYEE SAH Son of Sudama Sah Resident of Village - Mahuar, P.S.- Semera, District- West Champaran
2. Hira Pandit @ Hira Parit Son of Jawahir Padit Resident of Village - Mahuar, P.S.- Semera, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 17-08-2019 This application, for grant of anticipatory bail, arises out of Bagaha (Mahila) Case No. 22 of 2019, disclosing offences under Sections 376(D) of the Indian Penal Code.

Allegation against the petitioner is of commission of rape on the informant.

Submission of learned counsel for the petitioner is that there is delay of four days in lodging the F.I.R. and the informant is a mature lady and has falsely implicated the petitioner in this case and further there is difference between the version of F.I.R. and what she has stated in her statement under Section 164 Cr.P.C.

Learned counsel for the State opposed the prayer for



bail.

Having heard both sides, considering the facts and circumstances and the specific allegation against the petitioner of commission of rape on the informant, I am not inclined to grant the privilege of anticipatory bail to the petitioner rather petitioner should 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 and also after considering the statement of girl under Section 164 Cr.P.C., without being prejudiced by this order.

This application is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

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