

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72524 of 2019

Arising Out of PS. Case No.-79 Year-2017 Thana- MAHILA P.S. District- Araria

MD. SAKUR @ MD. WASIKUR RAHMAN S/o Md. Yaqub R/o village- Jat
Tola, Ward No. 10, P.S.- Simraha, District- Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha, Advocate
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-12-2019 Heard the learned counsel for the petitioner and
the State.

The petitioner seeks bail in anticipation of his arrest in connection with Araria Mahila P.S. Case No. 79 of 2017 dated 09.11.2017 instituted for the offences under Sections 376, 379, 506 and 34 of the Indian Penal Code.

It has been alleged by the prosecutrix that while she was being accompanied by her brother to her matrimonial home, the petitioner is alleged to have raped her by keeping her in fear of harm to her son in the lap.

The accusation in the FIR, it has been urged, does not inspire confidence in as much as a mature person, who is the brother of the prosecutrix



accompanied her all through. In that event, it does not appear to be probable that one of the accused persons of this case would subject her to rape by the side of the road. There is no reference in the entire FIR about what happened to the brother of the informant who is stated to have accompanied her. Apart from this, it has been urged that the victim in her 164 statement though has alleged the act of rape on the petitioner and another but the sequence of events narrated in the aforesaid statement is absolutely different from what she has alleged in the FIR.

Apart from this, it has also been urged that the case has been lodged after about 1½ months of the occurrence. There does not appear to be any probable explanation for the delay in lodging the FIR. Additionally, it has also been argued that the allegations do not find support in the medical report of the victim.

However, these grounds do not impress this Court for granting anticipatory bail to the petitioner who is specifically alleged to have subjected the petitioner to rape.

The prayer for anticipatory bail is rejected.

Should the petitioner surrender before the court below and seek bail, the court below shall take into account all such facts which have been noted above and



shall pass orders in accordance with law without being prejudiced by the fact that the present petition has not been entertained.

With the aforesaid direction/observation, the petition stands disposed of.

(Ashutosh Kumar, J)

krishna/-

U		T	
---	--	---	--

