

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61578 of 2019

Arising out of PS. Case No.-24 Year-2019 Thana- MAHILA P.S. District- Bhagalpur

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Pramod Tanti, aged about 30 years, Male, Son of Laxman Tanti Resident of
Mohalla- Rani Talab, P.S.- Zero Mile, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Madan Mohan, Advocate
	:	Ms. Pallavi Pandey, Advocate
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay, APP.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

3 05-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends arrest in connection with
Bhagalpur Mahila P.S. Case No. 24 of 2019 dated 16.04.2019
instituted under Sections 323, 341, 376-D, 504 and 506 of the
Indian Penal Code.

3. The allegation against the petitioner and another
co-accused is of sexually abusing the informant. Against the
petitioner, it is specific that he was the tenant of the informant
who was a widow and had established physical relationship on
the pretext he would marry her, but later on he had refused to do
so and had taken her to his employer on the plea that whatever
he would decide, he would abide by it where she was raped by



the other co-accused.

4. Learned counsel for the petitioner submitted that only to extort money the present false case has been lodged. It was further submitted that the medical report does not disclose any recent sexual intercourse and, thus, the allegation of the co-accused having committed rape stands falsified. It was further submitted that though the incident is said to have taken place on 14.04.2019 but the FIR was lodged on 16.04.2019 for which also there is no explanation.

5. Learned APP, from the case diary, submitted that the informant both in the FIR, re-statement to the police and in the statement under Section 164 of the Code of Criminal Procedure, 1973 before the Court has stated that the petitioner was living in her house, though as a tenant but practically they were living as husband and wife and she has reiterated the allegations made in the FIR. Learned counsel submitted that the medical report after two days cannot be said to wash away or falsify the allegation made in the FIR. It was further submitted that the allegation is believable as the informant was young and a widow and the petitioner had close proximity as he was living in the house of the informant and he was also not married.

6. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, the Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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