

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35435 of 2020

Arising Out of PS. Case No.-3 Year-2020 Thana- MAHILA P.S. District- Purnia

Md. Jaan Ishar @ Babul @ Md. Jaanisar Alam, Son of Isararul Haq @ Asrarul Haque, Resident of Village - Lakhnare Tiya para, P.S.- Jalalgarh, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Fazle Karim, Adv.

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 24-05-2021 Heard Md. Fazle Karim, learned Advocate for the

petitioner and Mr. Navin Kumar Pandey, learned APP for the

State.

The petitioner seeks bail in anticipation of his

arrest in connection with Purnea Mahila P.S. Case No. 3 of

2020, instituted for the offences under Sections 376 and

504/34 of the Indian Penal Code.

On 26.03.2021, this Court had called for the

carbon/legible copy of the case diary of the aforesaid case.

The accusation in the F.I.R. is of the petitioner

having subjected the prosecutrix to rape on the assurance of

marrying with her. It has also been alleged by the



prosecutrix that because of that relationship, she became pregnant.

However, the learned counsel for the petitioner has submitted that the father and the brother-in-law of the petitioner always tried to convince the prosecutrix that the petitioner is ready for marriage but for some reason or the other, such proposal was refused by the prosecutrix.

But, curiously, the learned counsel for the petitioner has stated in the bail application that the petitioner has got no concern with the informant, who does not carry a good name in the society and that some times before, another person of the village was also made accused in similar kind of case by the prosecutrix.

Apart from this, it has been stated that the victim was not carrying pregnancy of three months, but it was of twenty five weeks, i.e., six months. It was, therefore, argued that in all material particulars, the prosecutrix has made wrong statement and, therefore, her statement cannot be believed for prosecuting the petitioner in this case.



None of these grounds weigh with this Court in the light of the specific accusation made in the F.I.R. against the petitioner.

The prayer for grant of anticipatory bail of the petitioner is, accordingly, rejected.

However, if the petitioner surrenders before the Court below and seeks bail, the Court below shall consider the case on its own merits, without being prejudiced by the fact that the present anticipatory bail application has not been entertained by this Court.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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