

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80510 of 2019

Arising Out of PS. Case No.-79 Year-2019 Thana- DHAMDAHA District- Purnia

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Md. Jibrail @ Nengra, aged about 19 years, male, Son of Nago Miyan,
Resident of Village - Neerpur, P.S. - Dhamdaha, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 01-09-2021 Heard Mr. N.K. Agrawal, the learned Senior

Advocate for the petitioner and Mr. Brajendra Nath Pandey,

the learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Dhamdaha P.S. Case No. 79 of
2019, dated 22.03.2019, instituted for the offences under
Sections 448, 341, 323, 376, 504, 506 and 34 of the
Indian Penal Code.



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

It has been submitted on behalf of the petitioner that there is a delay in lodging the F.I.R. and the explanation offered for such delay is not acceptable. Apart from this, it has been submitted that the petitioner also has filed a case against the family members of the informant for having subjected him to unnatural offence, thereby attracting the mischief of Section 377 of the I.P.C.

From the perusal of the F.I.R., it appears that the occurrence took place on 14.03.2019, but the F.I.R. has been lodged on 22.03.2019. The prosecutrix has stated that she and her family members were threatened of dire consequences in case the matter was taken to the police. It was precisely for this reason that the prosecutrix and her family members agreed to have the matter placed before the local *Panchayat*. Perhaps, this was the reason for the delayed lodging of the F.I.R.

In the case lodged by the petitioner against the family members of the prosecutrix, the occurrence is said to



have been taken place on 17.03.2019 and the F.I.R. was registered on 19.03.2019.

For the accusation made in the F.I.R., this Court is not inclined to grant anticipatory bail to the petitioner.

The prayer for grant of anticipatory bail of the petitioner is, accordingly, rejected. However, if he 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 dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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