

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5137 of 2022

Arising Out of PS. Case No.-103 Year-2021 Thana- BHELDI District- Saran

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GULAM SERVER @ MD. GULAM SARWAR SON OF MAMUN RASID
@ CHUNNA R/O VILLAGE- ARNA, P.S.- BHELDI, DISTRICT- SARAN
AT CHAPRA Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Binod Singh

For the Opposite Party/s : Mr.Mohammed Arif

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 11-08-2022 Heard learned counsel for the petitioner and learned APP
for the State.

The instant application for anticipatory bail has been filed
by the petitioner apprehending his arrest in connection with Bheldi
P.S. Case no. 103 of 2021 instituted for the offence punishable under
Sections 341, 323, 448, 376, 504, 506/34 of the Indian Penal Code .

As per allegation in the FIR, while the victim girl was
alone in her house, petitioner went inside her house and committed
rape inside the room. In the meantime, her cousin came there and
bolt the door from outside. From inside petitioner informed the
matter by mobile to his family and they came and got him rescue
from there by breaking the door. It is further alleged that accused
persons have assured to get perform the marriage of the petitioner
with the victim girl to which they later on denied.

Learned counsel appearing on behalf of the petitioner has
submitted that petitioner is innocent and has committed no offence.



In fact, victim girl was in love with the petitioner for the last four years and with her consent, petitioner had established physical relation with her. Victim girl is major of 22 years.

Learned counsel for the informant and learned APP appearing for the State has opposed the prayer of bail and submitted that statement of the victim girl was got recorded under Section 164 Cr.P.C., wherein she has made direct allegation of rape against the petitioner.

Having heard learned counsel for the parties and taking into consideration that there is direct allegation of committing rape against the petitioner upon the victim lady, I am not inclined to grant bail to the petitioner and, as such, his application for bail stands rejected.

However, if the petitioner surrenders and prays for regular bail, the same may be considered by the court below on its own merit without being prejudiced by this order of rejection.

(Sunil Kumar Panwar, J)

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