

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32272 of 2021

Arising Out of PS. Case No.-2 Year-2021 Thana- MAHILA PS District- Katihar

SAGAR @ MD. SAGAR Son of Md. Naiyer Resident of Village - Siktia,
P.S.- Azamnagar, Dist.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Md. Qumrul Hoda
For the State	:	Mr.Rajeev Nayan
For the informant	:	Mr. Sanjeev Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 30-03-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the petitioner as well as the learned counsel for the informant.

The petitioner apprehends his arrest for the offences alleged under Sections 376, 341 and 504/34 of the Indian Penal Code, registered in connection with Katihar Mahila P.S.Case No.02 of 2021.

As per allegation, three accused persons named in the FIR, including the present petitioner, forcibly took away the victim on a motor-cycle. The allegation against the present petitioner is that he forcibly committed rape upon the victim for



two days after making her captive in his house. Anyhow, she rescued herself and came to the house of her maternal grandmother and narrated the entire occurrence. A *Panchayati* was convened and it was agreed between the parties that the petitioner will marry the informant if she takes divorce from her husband. On the assurance of the petitioner, she took divorce from her husband, but the petitioner and the accused persons are making evasion for marriage.

The learned counsel for the petitioner has submitted that the victim (informant) is a married lady and the petitioner never committed rape upon her. He has further submitted that there is five months delay in lodging the FIR, which has been narrated in the FIR itself. Some time was consumed in the *panchayati*.

On the other hand, the learned counsel for the informant has submitted that the statement of the victim was recorded under Section 164 of the Cr.P.C., in which she has reiterated her version mentioned in the FIR and corroborated the factum of rape.

There is specific allegation against the present petitioner that he committed rape upon the victim after making her captive for two days in his house.



In my view, it is not a fit case for anticipatory bail.
The prayer for anticipatory bail on behalf of the petitioner is
hereby rejected.

Office shall ensure that all defects are removed by the
petitioner within the stipulated time as provided hereinabove,
failing which the matter shall be brought to the notice of this
Court.

(Nawneet Kumar Pandey, J)

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