

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25292 of 2022

Arising Out of PS. Case No.-16 Year-2022 Thana- BISFI District- Madhubani

MD. SALIM Son of Late Hasanjan @ Dhodhai Resident of Village - Janipur,
P.S.- Bisfi, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Musrti Khatoon Wife of Kalam Resident of Village - Janipur, P.S.- Bisfi,
District - Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Soban Asghar

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 10-11-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Bisfi P.S. Case no. 16 of 2022 instituted for the offence
punishable under Section 376 of the Indian Penal Code.

As per allegation in the FIR, while the informant was
sleeping in her house with her daughter, at night the petitioner
entered her house and raped her. It is further alleged that on
protest made by her daughter, she was assaulted by the
petitioner.

Learned counsel appearing on behalf of the petitioner



has submitted that petitioner is innocent and has committed no offence. Due to dirty village politics, he has been false implicated in the present case. Informant is a 50 years old lady and there was a common courtyard of joint family as both the parties are agnates. In fact, informant wants to tarnish the image of the petitioner as he is a government teacher. Old land dispute is going on between the parties.

Learned APP appearing for the State has opposed the prayer of bail and submitted that victim in her statement recorded under Section 161 Cr.P.C. as well as Section 164 of the Cr.P.C, made direct allegation against the petitioner. Process of Section 82 and 83 Cr.P.C. has been executed.

Having heard learned counsel for the parties and considering the fact that there is direct allegation of rape against the petitioner, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

(Sunil Kumar Panwar, J)

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