

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62806 of 2021

Arising Out of PS. Case No.-8 Year-2021 Thana- MAHILA P.S. District- Kishanganj

BABUL @ MUSFIQUE @ MUSHFIQUE REZA Son of Md. Mohsin @ Md Mahsain Alam Resident of Village - Simla Tola, P.S. Chakulia District - Uttar Dinajpur (W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Prawesh Kumar, Adovate
For the Opposite Party/s	:	Mr. Jagdhar Prasad, APP
For the Informant	:	Mr. Rajanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-07-2022 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 376, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 08.09.2020 she had gone to attend the call of nature in the evening and when she was returning back then the petitioner all of a sudden came from behind, caught her and on point of knife committed rape upon her by putting her under fear.

Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the present case, it is next submitted that the date of occurrence is 08.09.2020 and present FIR came to be instituted on 10.02.2021 without any plausible explanation for the delay, it is also submitted that present case is a counter-blast to Dalkhola P.S. Case No. 217 of 2020 dated 12.09.2020 registered under Sections 448, 427, 323, 325, 354, 379, 506 and 34 of IPC against the present informant and his family members by the father of the petitioner, it is further submitted that it absolutely does not stand to reason that why the FIR was instituted after a delay of more than five months and not promptly instituted after the occurrence had taken place.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner. The learned counsel for the informant submits that after the occurrence, a *panchayati* had taken place and in the *panchayati* the father of the petitioner became ready to get the informant married with his son but later he resiled and instituted the aforesaid Dalkhola P.S. Case No. 217 of 2020.

Learned counsel for the petitioner rebuts the submission of the learned counsel for the informant and submits that the FIR does not even remotely suggest that any *panchayati*



was held with regard to the occurrence in which the father of the petitioner had agreed for their marriage.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Mahila P.S. Case No. 08 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Shivam/-

U		T	
---	--	---	--

