

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.112 of 2022

Arising Out of PS. Case No.-26 Year-2020 Thana- MAHILA PS District- Katihar

RAHIM Son of Md. Ansur Resident of Village - Charguha, P.S.- Mansahi,
Distt.- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandeep Patil

For the Opposite Party/s : Mr.Nawal Kishore Prasad

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

ORAL ORDER

2 02-08-2022 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 and

learned APP for the State.

The petitioner apprehends his arrest for the

offences alleged under Section 376 of the Indian Penal Code,

registered in connection with Mahila P.S.Case No. 26 of 2020.

As per allegation, when the prosecutrix was returning

from the field, two accused persons including the petitioner

intercepted her by their motor-cycle. They forcibly got her

seated on their motor-cycle and they committed rape upon her.

They threatened to kill had she dared to narrate the occurrence



to anyone. The petitioner and co-accused Ashfaq committed rape upon her in the entire night and in the next morning they dropped her near the house of the prosecutrix after tying her limbs. In the entire night the parents of the prosecutrix conducted hectic search but the prosecutrix could not be traced out. The prosecutrix along with her parents went to the police station for lodging an FIR. Initially the police officer assured her that an FIR shall be lodged but they did not register the case and it was the reason that she filed the present complaint petition.

The learned counsel for the petitioner has submitted that there is some contradictions in her statement made in the complaint petition and in her statement under Section 164 of the Cr.P.C. He has further submitted that there is delay of eleven days in lodging the complaint petition.

The delay has been explained in the complaint petition itself as the prosecutrix along with her parents went to the police station and she was assured that a case shall be registered, but the police had refrained from registering the case and having no option, the prosecutrix lodged the complaint petition.

There is specific allegation against the petitioner that



he along with his associate committed rape upon the prosecutrix after kidnapping her.

In view of allegation, the petitioner does not deserve the privilege of anticipatory bail. His prayer for anticipatory bail 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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