

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12973 of 2023

Arising Out of PS. Case No.-492 Year-2022 Thana- BIKRAM District- Patna

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BHUTTU MIYAN S/O SUPPAN MIYAN R/v- Mojakka, P.S.- Bikaram,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar Mishra

For the Opposite Party/s : Mr. Raj Kishor Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 376, 341, 323 and 504/34 of the Indian Penal Code pending in the learned court below.

As per the prosecution case, the neighbour of the informant, namely, Arif Khan and Bhuttu Miyan(petitioner) entered into the house of the informant and raped her.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that there is dispute between the parties regarding the passage and due to that dispute the petitioner and other co-accused persons made accused in the present case. He



submits that without any conclusive proof or medical report aforesaid FIR has been lodged against the petitioner nor the statement of the victim was recorded under Section 164 Cr.P.C. which is against the principle of natural justice. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

Per contra, learned APP for the State vehemently opposing the bail application and submitted that the allegation levelled as the petitioner is serious in nature. Hence, he does not deserve anticipatory bail.

Considering the facts and circumstances of the case and the fact that there is specific overt act against the petitioner, I am not inclined to enlarge the petitioner on bail in connection with Biharam P.S. Case No. 492/2022. Accordingly, his prayer for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

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