

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41711 of 2023

Arising Out of PS. Case No.-36 Year-2022 Thana- MAHILA PS District- Gopalganj

MUMTAJ ALAM @ MAMTAJ ALAM Son of Late Hasamudin Miyan @
Hasamuddin Resident of village - Dukhharan, P.S. - Jadopur, Distt. -
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ravindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 07-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 342,
323, 376, 511, 509 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent.
4. The informant alleges that since she was childless,
hence, got her husband married to her relative, Hajra Khatoon
about 14 years back, who is deaf and dumb and from the
wedlock two children were born, it is next alleged that petitioner
along with Imam used to act inappropriately with Hajra for
which they were reprimanded, further alleges that on



08.01.2022, the petitioner and Imam, finding Hajra alone in the house, tried to commit rape but hearing her cry, the informant came when accused assaulted them by steel pipe and fled, thereafter they were taken to hospital for treatment.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that petitioner and the informant are *Pattidar* as would be evident from perusal of the allegation as alleged in the FIR itself. It is next submitted that though it is alleged that the informant and Hajra were assaulted, but then there is no injury report of the injured and the date of occurrence is 08.12.2022 and the FIR came to be instituted on 12.12.2022 i.e. after a delay of four days without any plausible explanation which further casts an aspersion on the case of the prosecution. It is also submitted that the case is under investigation and the Dy. S.P. has not found the case true under Sections 376 and 511 IPC.

6. Learned A.P.P. for the State on hearing the learned counsel for the petitioner submits that since the matter is under investigation and the case for the present has not been found true under Sections 376 and 511 IPC and rest of the Sections of the IPC as alleged in the FIR are bailable, as such, the petitioner, for the present, does not have any apprehension of arrest.



7. Learned counsel for the petitioner, after hearing the learned APP for the State, seeks permission to withdraw the present anticipatory bail application with liberty to move at an appropriate stage.

8. Permission is accorded.

(Satyavrat Verma, J)

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