

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49327 of 2022

Arising Out of PS. Case No.-152 Year-2020 Thana- THAKURGANJ District- Kishanganj

MD. KURBAN S/o Mehandi Hussain Resident of Village- Bahadurpur, P.S.-
Thakurganj, District- Kishanganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr.Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State through virtual mode in view of COVID-19.

The petitioner apprehends his arrest in connection with
Thakurganj P.S. Case No.152 of 2020 instituted under Sections
323,341,376,504,506,34 of the Indian Penal Code.

As per the allegation the complainant alleged that when
her mother was out and she was alone, the accused along with an
associate came and while his associate remained outside, he came
inside and raped her. However, in the meantime her mother returned
and caught hold of both the accused persons whereafter before the
‘Panchayat’ he accepted their guilt as also promise that he would
married the girl. The further allegation is that later the family
members of the petitioner came armed variously and after assaulting
the complainant side took away the accused petitioner stating that
they don’t accept the verdict of the ‘Panchayat’ and the boy will not
marry the girl.



Learned counsel for the petitioner submits that there is a delay of six months in filing the complaint and as such he is entitled to relief. Learned counsel for the petitioner further submits that although the girl has stated herself as minor, the medical report has found her to be the major.

As per the complaint, the girl was 17 years of age on the date of occurrence, the allegation is not only of rape but subsequent assault on the family of the complainant and in that view of the matter so far as the grant of anticipatory bail is concerned, it does not seem proper for this Court to extend the said relief to him, which is accordingly rejected.

If however, the petitioner surrenders before the concerned court within four weeks from today, all the materials that have come in course of investigation as also the documents that the petitioner would like to put forward would be taken into consideration and the learned court will dispose of his bail petition at an earliest without being prejudiced by any of the observation made herein.

(Rajiv Roy, J)

Prakash Narayan /-

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