

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63052 of 2023

Arising Out of PS. Case No.-98 Year-2021 Thana- MAHILA P.S. District- Araria

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1. Md. Mumtaz @ Mumtaz @ Md. Mumaz son of Md. Mushtak @ Mushtak village- Satghara Ps- Jokihat Dist- Araria
 2. Paltu son of Tahir village- Satghara Ps- Jokihat Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Ziaul Quamar, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-10-2023 Heard Mr. Md. Ziaul Quamar, learned counsel for the petitioners and Mr. Dilip Kumar No.1, learned A.P.P. for the State.

2. The petitioners apprehend his arrest in connection with Araria (Mahila) P.S. Case No. 98 of 2021 registered for the offence punishable under Sections 376(D) of the Indian Penal Code.

3. Allegation on petitioners that they along with one other co-accused person forcefully committed rape on informant.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case.



Petitioners have no criminal antecedent. It is further submitted that statement of victim recorded under Section 164 supported prosecution case. Learned counsel further submits that informant filed a compromise petition. Husband of the informant filed an affidavit that her wife/informant that she had filed this untrue/false case.

5. Learned APP for the State opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case, under Section 376(D) of the Indian Penal Code. I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is, accordingly, dismissed.

(Anjani Kumar Sharan, J)

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