

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5131 of 2024

Arising Out of PS. Case No.-68 Year-2023 Thana- BALIA BELON District- Katihar

Md Mahtab @ Md Mahtab Alam SON OF LATE SIKANDAR @
SIKENDAR R/O VILL.- VIDYANANDPUR/VIDYANANPUR, P.S.- BALIA
BELON, DIST.- KATI HAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-02-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Balia Belon P.S. Case No. 68 of 2023 for the offence under sections 376, 511, 323, 504, 506 of the I.P.C. lodged on 02.06.2023 by the informant, Pyari Khatoun.

3. As per the prosecution story, the petitioner entered the informant house in a drunken state and firstly, used vulgar language and thereafter, put towel in her mouth, removed clothes and tried to commit rape. As she raised alarm, her husband and the villagers came, he escaped. This followed the Panchayat and the FIR.

4. Learned counsel for the petitioner submits that the occurrence is alleged to be of September, 2022 but the complaint came to be filed in January, 2023 and the FIR on 02.06.2023. No explanation has been given in it.



5. It is his further submission that a perusal of complaint would show that the allegation was of attempting rape, but subsequently, under 164 Cr.P.C. statement, she made statement about the rape. In that background and particularity when he is a 'Pharsi' teacher in Rajasthan, anticipatory bail be extended to him.

6. Learned APP, Mr. Jitendra Kumar Singh submits that contrary to submissiond made by learned counsel for the petitioner, a perusal of the complaint would show that what kind of allegation is there and it is not the case that she has bettered her statement under section 164 of the Cr.P.C.

7. This Court has gone through the facts of the case and the submissions put forward by the parties and have also perused the paragraph 3 of the complaint which supports the contention put forward by the learned APP. Although there is a delay in lodging of the complaint, that cannot absolve the petitioner of the allegation that the lady has made.

8. In that backdrop, the petitioner should seek bail after surrendering. The anticipatory bail stands rejected.

(Rajiv Roy, J)

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