

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14953 of 2024

Arising Out of PS. Case No.-271 Year-2023 Thana- DAGARUA District- Purnia

Md. Akbar @ Akbar son of Md. Salam Village- Chauni Ps- Kadwa Dist-
Katihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-04-2024 Heard Mr. Md. Fazle Karim, learned counsel for the
petitioner and Mr. Anil Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Dagarua P.S. Case No. 271 of 2023, F.I.R. dated 06.08.2023 registered for the offences punishable under Sections 376, 341, 323, 504, 506 and 34 of the Indian Penal Code.

3. Allegation against the petitioner is that he has committed rape upon the victim.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.



and from perusal of the F.I.R. it appears that the date of occurrence as alleged is 29.07.2023 but the present F.I.R. was instituted on 06.08.2023 after delay of eight days without giving any explanation of delay.

5. Learned APP for the State, on the other hand, on the basis of material available on record and the case diary, vehemently opposed the prayer for bail and submits that the statement of the victim girl was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that the petitioner has committed rape upon her and apart from that the medical examination of the victim also suggests that the petitioner has committed wrong with her.

6. Considering the aforesaid facts that there is direct allegation against the petitioner, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Dagarua P.S. Case No. 271 of 2023 pending in the Court of Judicial Magistrate 1st Class, Purnea.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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