

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14830 of 2024

Arising Out of PS. Case No.-496 Year-2023 Thana- NAANPUR District- Sitamarhi

Md. Yusuf S/o Mohammad Najim Nadaf Resident of Village- Bachharpur Po-
lice Station- Pupri District- Sitamarhi Petitioner/s
Versus
The State of Bihar Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Uday Kumar, Advocate
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Nanpur P.S. Case No. 496 of 2023 for the offence punishable u/s 341, 323, 354B and 376 of the Indian Penal Code.

3. As per the prosecution case, the petitioner used to give allurement of marriage to the informant and when there was no one in her house, the petitioner forcibly entered into the house and raped the informant. On alarm being raised, when the neighbours started assembling, the petitioner fled away from the spot leaving behind his motorcycle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The FIR has been registered three days after the occurrence. Though there is allegation that the petitioner fled away leaving behind his motorcycle, motorcycle was not seized. No person has seen the occurrence and the witness stated that they came on



hearing alarm and the victim/informant gave information about the said occurrence. The medical report has not supported the allegation and the doctor has opined that it is difficult to say whether rape has been committed or not. Learned counsel further submits that the informant wanted to marry the petitioner and in order to pressurized the petitioner, this story has been developed. Learned counsel further submits that the petitioner is a student of intermediate and he used to live outside. Petitioner has got no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner. He submits that there is specific allegation against the petitioner and the victim has supported the allegation in her statement recorded under Section 164 Cr.P.C.

6. Considering the aforesaid facts and circumstances of the case and considering the serious and specific nature of allegation against the petitioner, I do not think it is a fit case for grant of anticipatory bail and hence the prayer for anticipatory bail is rejected.

(Arun Kumar Jha, J)

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