

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52126 of 2023

Arising Out of PS. Case No.-467 Year-2022 Thana- BAISI District- Purnia

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Ahmad @ Ahmad Hussain Son Of Mustaque Alam @ Md. Mustaque
Resident Of Village - Bagabana, P.S. - Amour, District - Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Bijendra Kumar Singh, Adv.
For the O.P. No. 2	:	Mr. Amit Kumar Anand, Adv.
For the State	:	Mrs. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 04-03-2024 Heard learned counsel for the petitioner, learned counsel for O.P. No. 2 and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Baisi P.S. Case No. 467 of 2022 dated 25.11.2022 registered for the offences punishable u/s 376 of the Indian Penal Code.

3. As per the prosecution case, the petitioner is alleged to have entered the room of the informant and started to commit rape on her against her will. On hulla, the informant's father-in-law and the mother-in-law woke up and tried to apprehend the alleged accused, however, the petitioner succeeded in fleeing away. It is further alleged that the informant's husband came



home and made a complaint in Gram Kutchery but the petitioner did not turn up and thereafter, the informant informed to police but police did not take action. At last, the informant filed complaint in the court of learned C.J.M. Purnea.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The occurrence took place on 19.08.2022 and the C.A. Case was filed on 02.11.2022 after lapse of about two and half months, no proper explanation has been given. The petitioner is friend of devar (brother-in-law) of the informant and he has no concern with the alleged offence. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State and learned counsel for O.P. No. 2 have opposed the prayer for anticipatory bail of the petitioner. Learned counsel has further submitted that the specific allegation is against the petitioner and the victim in her statement recorded under Section 164 of Cr.P.C. has supported the prosecution case.

6. Considering the aforesaid facts and circumstances as well as the fact that the heinous and specific allegation against the petitioner, I am of the view that no case for grant of anticipatory bail is made out. The petition is rejected and



the petitioner is directed to surrender to the Court below within six weeks from toady and the Court below shall consider the prayer of bail of the petitioner without being prejudiced by this order.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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