

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79407 of 2024

Arising Out of PS. Case No.-39 Year-2024 Thana- MAHILA P.S. District- Kishanganj

Gulam Rabbani @ Rabbani Son of Late Md. Reyaz Alam @ Late Md. Reyaz
R/O Mohalla- Dangi Hazari, P.S.- Pathmari, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 26-11-2024

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for grant of anticipatory bail apprehending his arrest in connection with Mahila P.S. Case no. 39 of 2024 registered for the offence punishable under sections 115(2), 126(2), 64(1), 351(2), 89 and 3(5) of the Bhartiya Nyaya Sanhita, 2023 and sections 3 and 4 of the Dowry Prohibition Act.

3. As per allegation in the F.I.R, the informant states that on the point of knife the petitioner committed rape on her and on her cry he assured that he would marry her. On this false assurance he established physical relations with her on a number of occasions as a result of which she became pregnant. He forced her to abort. It is further stated that the accused persons started making demand of Rs.10 lakhs by way of dowry if she



wanted to marry with the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The parties were in a consensual relationship and the same having failed the instant case has been registered with false allegations. He has no criminal antecedent and undertakes to cooperate in the investigation/trial.

5. The application for bail is opposed by learned APP for the State who submits that there is a direct allegation of rape against the petitioner, the same also having been supported in the victims statement under section 164 Cr.P.C.

6. Having heard learned counsel for the parties and taking into consideration the direct allegation of rape against the petitioner on the informant together with the victim having supported the same in her statement under section 164 Cr.P.C., the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. The petitioner is directed to surrender in the learned Court below within a period of four weeks.

(Partha Sarthy, J)

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