

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82717 of 2023

Arising Out of PS. Case No.-443 Year-2023 Thana- PURNEA SADAR District- Purnia

MD. KAISAR @ MD. KAISAR ALAM son of Mahiuddin @ Md. Mahrudin
R/o Mathor W.No-4, Ps- Dagarua Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2024 Heard Mr.Md Fazle Karim, learned counsel for the

petitioner and Mr.Dr. Kumar Uday Pratap, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Sadar P.S.Case No.443 of 2023, FIR dated 16.05.2023 registered for the offences punishable under Sections 341,342,376(D),504 and 506 of IPC.

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

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. In fact the petitioner is brother-in-law of the victim and the allegation as alleged in the FIR is false and fabricated. In fact the victim has previously filed a



case under Section 498A of IPC against the petitioner and other family members of the petitioner. Further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR.

5. Learned A.P.P. for the State, on other other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the statement of the victim under Section 164 Cr.P.C. was recorded in which she has fully supported the case of the prosecution and apart from that, the medical examination of the victim was also conducted by the competent Medical Board and the medical report also supports the case of the prosecution.

6. Considering the aforesaid fact, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Sadar P.S.Case No.443 of 2023 pending in the court of learned C.J.M., Purnea.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Nitesh/-

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