

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A.No. 475 of 2014

Misir Hansda.Petitioner

-Versus-

The State of Jharkhand. Opp. Party

CORAM: THE HON'BLE MR. JUSTICE D.N.UPADHYAY

For the Petitioner: Mr. Md. Asadul Haque, Advocate.

For the State: A.P.P.

02/ 30.08.2014

The petitioner is an accused in a case registered under Sections 376/323/504/506 of the Indian Penal Code in connection with Hiranpur P.S. Case No. 116/2013, corresponding to G.R.No. 1053/2013, pending in the Court of the A.C.J.M., Pakur.

There is direct allegation against the petitioner that he entered into the house of the informant and committed rape on her.

It is submitted that due to previous dispute and old grudge, this case has been lodged. As a matter of fact, the father of the petitioner has lodged a case against the husband of the informant vide Pakur Hiranpur P.S. Case No. 132/2013.

Counsel for the State has opposed the prayer.

Considering the heinous allegation, I do not feel inclined to give him benefit of Section 438 Cr.P.C. Accordingly, prayer for anticipatory bail made on behalf of this petition stands dismissed.

However, if the petitioner surrenders before the court-below and prays for regular bail that may be considered on its own merit without being prejudiced with this order.

[D.N.Upadhyay,J.]

P.K.S.