

(2023) 10 JH CK 0013
In the Jharkhand High Court
Case No : A.B.A. No. 8117 Of 2023

Aftab Miyan @ Aftab Mian

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 11-10-2023

Acts Referred:

Indian Penal Code, 1860 — Section 376, 420

Citation : (2023) 10 JH CK 0013

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : A.K. Sahani, Pankaj Verma, Priya Shrestha, Gautam Kumar, Dilip Kr. Jaiswal

Final Decision : Dismissed

Judgement

Anil Kumar Choudhary, J

Heard the parties.

Apprehending his arrest, the petitioner has moved this Court for grant of privilege of anticipatory bail in connection with Gola P.S. Case No.42 of 2023 registered under sections 376/420 of the Indian Penal Code.

The Learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner forcibly committed rape upon the victim; after the marriage of the victim and the petitioner was fixed. It is further submitted that the allegations against the petitioner are all false and in fact, the occurrence of alleged rape took place on the pretext of the marriage. It is next submitted that the informant is a major lady of 21 years. It is then submitted that the petitioner undertakes to cooperate with the investigation of the case. Hence, it is submitted that the petitioner be given the privilege of anticipatory bail.

Learned Spl. P.P. and the learned counsel for the informant on the other hand vehemently opposes the prayer for grant of anticipatory bail and submits that

there is direct allegation against the petitioner of forcibly committing rape upon the victim consequent upon their marriage was fixed therefore, custodial interrogation of the petitioner is required during the investigation of the case to find out the further details of the case. Hence, it is submitted that the petitioner ought not to be given the privilege of anticipatory bail.

Considering the serious nature of allegation against the petitioner and the requirement of his custodial interrogation during the investigation of the case, this Court is of the considered view that this is not a fit case where the above named petitioner be given the privilege of anticipatory bail. Accordingly, the prayer for grant of privilege of anticipatory bail of the above named petitioner is rejected.