

Jharkhand High Court

Md.Anwar Hussain vs State Of Jharkhand on 20 October, 2011

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 2591 of 2011

Md. Anwar Hussain

-V e r s u s -

The State of Jharkhand

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

For the Petitioner : Mr. R.S. Mazumdar, Advocate.

For the State: : APP

For the O.Party No. 2: Mr. R.L. Yadav, Advocate.

7/20.10.2011

The petitioner is accused in connection with Markacho P.S. Case No. 48/2010 [G.R. No. 364/2010] for the offence under Section 376 of the Indian Penal Code.

The allegation against the petitioner is that he has committed rape on daughter of the informant, who is a minor girl.

It is submitted that prior to institution of this case, the petitioner had lodged a case against the family members of the present informant. Further, this case has been lodged after a delay of more than one month.

Learned counsel for the informant has opposed the prayer for anticipatory bail.

Considering the heinous nature of offence, I do not find it a fit case to grant anticipatory bail to the petitioner abovenamed under Section 438 of the Cr.P.C..Consequently, the prayer for anticipatory bail of the petitioner is rejected.

However, the petitioner is directed to surrender before the Court below within one month from today for seeking regular bail, which may be considered on its own merit, without being prejudiced by this Order and the bail petition shall be disposed on the date of filing itself.

(D. N. Upadhyay, J.) RC