

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51492 of 2015

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Maulana Dr. Khurshid Alam Bharti @ Md. Khurshid Alam @ Maulana Dr. Khurshid Bharti Son of Md. Yasim resident of Semari Bhawanipur, P.S. Yogapatti (Nawalpur), District - West Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Khurshid Anwar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 10-11-2015

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 376 of the Indian Penal Code and 6 of The Protection of Children from Sexual Offence Act, 2012.

The prosecution case is that the daughter of the informant was suffering from some ailment when she was under treatment of this petitioner at his clinic. On 18.08.2015 the daughter of the informant went missing from her own house and she was found in a hostel. On recovery in 164 Cr.P.C. the victim has stated that this petitioner proposed to marry her and established physical relationship.

It is submitted by learned counsel for the petitioner that the conduct of the informant and the victim girl do not inspire confidence. The medical report does not support the accusation of rape and the FIR has been lodged with inordinate delay.

It is submitted by learned counsel for the informant that during medical examination the victim has been found minor and she supported the accusation.

Let the learned court below consider the prayer for regular bail of the petitioner keeping in view of the inconsistency in the conduct of the informant and the victim girl, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Yogapatti (Nawalpur) P.S. Case No. 270 of 2015 pending in the court of learned Chief Judicial Magistrate, West Champaran at Bettiah.

With the aforesaid observation, this application is disposed of.

(Dinesh Kumar Singh, J)

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