

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50038 of 2016

Arising Out of PS.Case No. -248 Year- 2016 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

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Mahboob Alam, son of Ismail Ansari, Resident of Village- Gadiyani, P.S.-
Mufassil, Bettiah, District West Champaran at present resident of Hari
Pakari Road, Majhauria, P.S.- Majhauria, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-11-2016

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case
instituted under Section 376 of the Indian Penal Code and Section
4 of the Protection of Children from Sexual Offences Act.

Allegation against petitioner is that on the pretext of
marriage he established physical relation with the informant and
subsequently, he refused to marry her.

It is submitted on behalf of the petitioner that he has got
no criminal antecedent. There is allegation of tampering of
witnesses against petitioner. He has falsely been implicated in the
present case. The victim happens to be the tenant in the house of
the petitioner. There is admitted dispute in respect of payment of
rent of the house and for the said reason the present case has been
instituted by the victim. The medical examination report does not
support the allegation made in the F.I.R. and other independent
witnesses in course of investigation have also not supported the
prosecution case.

On behalf of the State and the informant, it is submitted

that petitioner is named in the F.I.R. and there is specific allegation of commission of rape upon the victim by petitioner.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner, same is rejected.

Any how, if petitioner surrenders in the court below, i.e., learned Additional Sessions Judge Ist cum Special Judge, POCSO, West Champaran at Bettiah, in connection with Majhaulia P. S. Case no. 248 of 2016 within a period of six weeks and prays for regular bail, same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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