

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50705 of 2016

Arising Out of PS.Case No. -269 Year- 2016 Thana -GAYA MUFFSIL District- GAYA

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MD. MUMTAZ @MD. MUMTAZ ALAM S/o Sri Moin @ Md. Moin
resident of village - Abgila Jagdishpur, P.S. Mufassil, District Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-11-2016

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case instituted under Sections 365 and 376 of the Indian Penal Code.

Allegation against petitioner is of committing sexual exploitation of the informant.

It is submitted on behalf of the petitioner that he has got no criminal antecedent. He has falsely been implicated in the present case. The alleged date of occurrence is between 16.6.2016 and 18.6.2016. The F.I.R. has been instituted on 22.6.2016. Delay has not been explained by the prosecution. From perusal of the medical examination report it appears that the allegation made in the F.I.R. is not supported vide Annexure-2 to the present application. The victim girl is said to have been examined under Section 164 of the Code of Criminal Procedure. There is a major contradiction between statements of the victim in the F.I.R. as well as in the 164 Cr.P.C. statement of the victim. It is further submitted that the victim girl was missing since 16.6.2016 to 18.6.2016 but no sanha or a complaint was made before the police. This itself appears to be a doubtful conduct on the part of the

prosecution.

On behalf of the State and the informant, it is submitted that petitioner is named in the F.I.R. as well as in 164 Cr.P.C. statement of the victim where specific allegation of sexual abuse is alleged.

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

Any how, if petitioner surrenders in the court below, i.e., District and Sessions Judge, Gaya, in connection with Gaya Mufassil P. S. Case no. 269/16 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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