

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9459 of 2018

Arising Out of PS.Case No. -77 Year- 2016 Thana -MAHILA PS District-
EASTCHAMPARAN(MOTIHARI)

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Md. Akram @ Akram Zahir Son of Md. Jaheer Akhtar @ Md. Zaheer Akhtar@ Sheikh Zaheer Resident of Village- Banzaraha, Police Station- Kundwa Chainpur, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Mr. Satyavarat Verma

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 06-04-2018 Heard the learned counsel for the petitioner and the learned counsel for the State.

The petitioner seeks anticipatory bail in connection with Mahila PS case no. 77 of 2016 registered for the offences punishable under Sections 341, 342, 354(B), 506, 376 of the Indian Penal Code and Section 3/4/6 of the Prevention of Children from the Sexual Offence Act.

The case of the prosecution, according to the informant, who is the victim girl, is that on 27.11.2016 at about 9 P.M. when the informant had gone for toilet in the field in front of her house at about 9 P.M., her neighbour, namely, Md. Akram- the petitioner herein, reached there, shut her mouth and committed



rape on her. Thereafter, the victim girl is said to have raised alarm, whereafter the co-villager came there and the petitioner fled away. Thereafter, the father of the victim girl as also other villagers had gone to the father of the petitioner herein and protested regarding the aforesaid immoral act committed by the petitioner herein, whereupon the father of the petitioner agreed to marry his son with the victim girl, however, subsequently the father of the petitioner herein conspired and made the petitioner herein to flee away.

The statement of the victim girl had been recorded under Section 164 Cr. P.C. wherein also she has reiterated the occurrence of commission of rape on her by the petitioner herein.

The learned counsel for the petitioner submits that the petitioner is innocent and the entire story has been cooked up only with a view to pressurize the petitioner to marry the victim girl. It is further submitted that the police had, in fact, submitted a final report against the petitioner herein. However, upon a protest made by the informant, the learned court below has taken cognizance of the offence. It is further submitted that the petitioner is having a clean antecedent.

I have heard the learned counsel for the petitioner and the learned A.P.P. for the State. I find from the FIR as well as the statement of the victim girl, made under Section 164 Cr. P.C.,



that there is a direct allegation of committing rape on the petitioner herein and the witnesses have also supported the case of the victim girl, as is apparent from the case diary. In fact, the learned court below has also taken cognizance of the offence under Section 376 of the Indian Penal Code as well as under Section 4 of the POCSO Act as against the petitioner herein considering the materials on record. In view of the direct allegation levelled against the petitioner of committing such a heinous crime and the learned court below having taken cognizance of the offence, I do not find the present case to be at least a case for grant of privilege of anticipatory bail, especially in view of the fact that such type of incidents are becoming rampant now days and the Courts owe a duty to check the same.

For the reasons mentioned herein above, the present petition for grant of anticipatory bail is dismissed.

(Mohit Kumar Shah, J)

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