

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16881 of 2019

Arising Out of PS. Case No.-101 Year-2018 Thana- MAHILA PS District- Darbhanga

MD. HASHMI RAFSAN JANI @ MD. JAUNI Son of Hira Rahi @ Heera
Rahi, Resident of Village- Ganaun, P.S.- Ghanshayampur, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha
For the Opposite Party/s : Mr. Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 17-06-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection with Mahila Darbhanga P.S. Case No. 101 of 2018 registered under Sections 376, 120B of the I.P.C. and 4/6 of POCSO Act) pending in the Court of 1st Additional Sessions Judge-cum-Special Judge (POCSO Act), Darbhanga, Bihar.

Submission is that petitioner is innocent and has falsely been implicated in the present case due to local village politics. It is also submitted that petitioner has no criminal antecedent.

Learned A.P.P. appearing on behalf of the State vehemently opposed the prayer of the petitioner by contending that there is direct allegation of rape against the petitioner in the



first information report with the minor daughter of the informant, which finds support from the statement of the victim recorded under section 164 Cr. P.C. In the case diary, in course of investigation, the witnesses have also supported the prosecution version. Further submission is that the Doctor has assessed the age of the victim between 14-15 years.

Having considered the facts and circumstances of the case and nature of the allegation, I am not inclined to allow the prayer of the petitioner for anticipatory bail. Accordingly, prayer of the petitioner is rejected.

(Arvind Srivastava, J)

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