

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53362 of 2019

Arising Out of PS. Case No.-63 Year-2019 Thana- RAJEPUR District- East Champaran

MD. AKTAR ALI @ MD. AKHTAR ALI @ MD. AKHTAR @ AKHTAR
ALI S/O- Islam Miya R/o Village- Jhitkahiya, P.S.- Rajepur, District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 20-11-2019 The petitioner seeks bail in connection with Rajepur P. S.
Case No. 63 of 2019 registered under Sections 376 of the Indian
Penal Code and sections 4 and 8 of the Prevention of Children
from Sexual Offences Act.

Allegation against the petitioner, as per FIR, is that
petitioner has committed rape upon minor daughter of the
informant, aged about 9 years.

Learned counsel appearing on behalf of the petitioner
submits that petitioner has not committed any offence in the
manner alleged. He further submits that in her statement
recorded under Section 164 Cr.P.C., the victim has stated that
she did not disclose this fact to her mother on the day of
occurrence and subsequently informed her mother about rape



committed upon her by the petitioner. He further submits that from perusal of the medical report, it would be evident that no sign of rape has been found upon the person of the victim. He further submits that petitioner is languishing in jail since 01.06.2019.

On the other hand, learned counsel for the informant and the State vehemently oppose the prayer for bail and submits that the petitioner has committed rape upon a minor girl which has been stated by the victim in her statement recorded under Section 164 Cr.P.C.

Having regard to the submissions made by the parties and taking into the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner at present. However, after completion of nine months in custody, petitioner may renew his prayer for regular bail.

(Anil Kumar Sinha, J)

sujit/-

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