

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4107 of 2020

Arising Out of PS. Case No.-324 Year-2019 Thana- RAMPUR District- Gaya

Abdul Bahid @ Danish Sheikh, aged about 29 years, Male, S/o Late Mukimuddin R/o village- Subhanabad, Ghardaur, P.S.- Banawa Ithari, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Advocate
For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 19-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Dhaneshwar Prasad Gupta, learned counsel for the petitioner and Mr. Ganesh Prasad Singh, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Rampur PS Case No. 324 of 2019 dated 07.09.2019 instituted under Sections 366A/376/379 of the Indian Penal Code and 4/14 of The Protection of Children from Sexual Offences Act, 2012.

4. The allegation against the petitioner is that he had got into friendship with the informant and had taken her to various places on the pretext of marrying her, but later on he declined and instead started blackmailing the informant on the



basis of vulgar photographs and videos which he had taken the informant.

5. Learned counsel for the petitioner submitted that the allegation is false and fabricated. It was submitted that even as per the statement of the informant before the Court under Section 164 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the 'Code') she has not stated that the petitioner had established any physical relationship with her. It was submitted that there is no evidence against the petitioner. Learned counsel submitted that in the medical report of the informant, it has been opined that she was aged more than 19 years and there was no sign of recent sexual intercourse and he is in custody since 09.09.2019.

6. Learned APP, from the case diary, submitted that the petitioner, despite being married, had befriended the informant through talking on the mobile phone and later had also abused the informant and had taken her and kept her with him at Patna, Ranchi and thereafter Delhi. It was submitted that in the statement under Section 164 of the Code, the informant had stated that the petitioner had used her only for establishing physical relationship, which clearly means that the petitioner had established the relationship. Learned counsel submitted that



the moot point would be that there is absolutely no reason assigned or any explanation as to why the informant would falsely implicate the petitioner at the cost of harming her own reputation. It was submitted that admittedly even as per the petitioner he does not live in Gaya where the informant resides and, thus, there was no occasion for the informant to know the name and details about the petitioner, which makes it obvious that such information came from the petitioner himself which was divulged to the informant. Learned counsel submitted that there is specific averment of vulgar photographs and videos being sent to the parents, relatives, persons of the locality of the informant and also to the teachers of the school in which the informant was working, which has been corroborated by the statement of the witnesses recorded during investigation. With regard to the age of the informant being 19 years, it was submitted that it was on the date of such examination whereas the allegation is clear that the activities of the petitioner had started more than a year back, i.e., when the informant was under 18 years of age.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.



8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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