

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8186 of 2020

Arising Out of PS. Case No.-68 Year-2016 Thana- SAHAJITPUR District- Saran

HAZARAT MIYA Son of Ali Alam Miya Resident of Village - Maghar,
Sultanpur, P.S.- Bhagwanpur, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udai Shankar Singh
For the Opposite Party/s : Mr.Nand Kishore Prasad
Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 19-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner Shri Uday Shankar Singh and Shri Ashok Kumar, the learned APP appearing for the State.

The petitioner apprehends his arrest in connection with Sahajitpur P.S. Case No. 68 of 2016, for the offence punishable under Sections 366(A)/34 of the Indian Penal Code.

The informant has alleged that his daughter namely Mana Kumari, aged about 15 years, who studies in Class-8,



used to study, with her classmates namely, Manisha Kumari and Neha Kumari and the daughter of the informant used to roam here and there along with the said two girls. It is further alleged that some days ago the daughter of the informant had gone some where without informing the informant, however, upon search, she could not be traced out and in the night at about 9 P.M., the daughter of the informant was dropped at his house by the son of the uncle of the aforesaid Manisha Kumari. On 16.08.2016 at about 12 in the afternoon, the daughter of the informant had gone for cutting mud but she did not return thereafter. Subsequently, it appears that the victim girl had returned back to her house and made her statement under section 164 of the Cr. P. C. before the learned Magistrate, wherein she is stated to have said that in front of her house, one Madhu stays and upon her and her husband's (Hajarat Mian) insistence, she had gone with them to Bakhari from where, one Pappu had taken her to Laden where he told Madhu that she was to go to her mother, however, Madhu left the daughter of the informant with his sister and went away. It has also been stated by the victim girl that the petitioner had then engaged in wrongdoings with the victim girl and other persons who used to come with Hajarat Mian have also committed wrongdoings



with her. However, subsequently when the victim girl was taken somewhere, the police had caught her in the process of checking being conducted by the police and then she was sent back to her house.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having clean antecedent. It is further submitted that though the date of occurrence is stated to have 16.08.2016, but the FIR was filed only on 25.08.2016, hence the FIR filed by the informant is apparently false.

The learned A.P.P. appearing for the State has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available in the case diary this Court finds that the victim girl has specifically alleged rape being committed by the petitioner and others, in her statement made under Section 164 Cr. P.C. It is also apparent from the materials available in the case diary that the complicity of the petitioner in the alleged crime is writ large, hence no case is made out for grant of anticipatory bail to the petitioner herein, considering the grievousness of the offence



alleged and the heinous nature of the crime alleged to have been committed by the petitioner, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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