

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7529 of 2020

Arising Out of PS. Case No.-114 Year-2019 Thana- JALALGARH District- Purnia

Md. Shahabuddin, Son of Md. Muslim, R/o village-Kumharwa, P.S-Jalalgarh,
District-Purnea. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr.Dr. Bidhu Ranjan, Advocadte
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-03-2020 Heard learned Senior Counsel for the petitioner and
learned A.P.P. for the State.

Petitioner in the present case is seeking anticipatory
bail in connection with Jalalgarh P.S. Case No. 114 of 2019
registered for the offences punishable under Sections 376, 323 of
the Indian Penal Code and Section 4/6 of POCSO Act.

Learned Senior Counsel for the petitioner submits that
on perusal of the First Information Report it will appear that as per
the informant she was first raped about five months back by this
petitioner who is her cousin brother, she claims that the petitioner
was continuously making physical relationship with her because of
which she got pregnant and thereafter when the informant asked
the petitioner to marry her he ignored the request of the informant
on one pretext or the another.

Learned Senior Counsel submits that the victim girl is
major in between 18-19 years and the manner in which the



occurrence has been alleged it seems improbable that at 4.00 O'clock in the morning the informant will go to her field to cut the grass and there the occurrence will take place.

On the other hand, the learned A.P.P. for the State has opposed the prayer for grant of anticipatory bail.

Considering the facts and circumstances of the case and the materials available on the record from which it appears that the victim girl has made specific allegation of rape against this petitioner, in her 164 Cr.P.C. statement also she has supported her case and in the medical examination she has been found pregnant carrying a pregnancy of 32 weeks at the relevant time, this Court is not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is, thus, refused.

In case the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by this order.

(Rajeev Ranjan Prasad, J)

vats/-

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