

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8391 of 2020

Arising Out of PS. Case No.-57 Year-2019 Thana- MAHILA PS District- Katihar

MD. WASIF @ MD. WASIF ALAM S/o Md. Sabir R/o village- Narayanpur,
P.S.- Azamnagar (O.P. Salmari), District- Katihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah
For the Opposite Party/s : Mr.Ajay Kumar
Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 23-06-2020 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 and Shri Ashok Kumar, the learned A.P.P. appearing for the State.

The petitioner apprehends his arrest in connection with Mahila P.S. Case No. 57 of 2019 for the offence punishable under Sections 376, 323, 379, 354B, 504, 506 of the Indian Penal Code and section 4 of POCSO Act.

The case of the prosecution in brief is that the complainant was alone in the house on 18.01.2019 since her family members had gone to her relatives' house, whereupon



the petitioner herein had entered in the house of the complainant at about 5:00 P.M. in the evening and had committed rape upon the complainant, whereafter the complainant started crying, however, the petitioner had told her that he would marry her, hence should not raise alarm. It is further alleged that on 18.08.2019, the petitioner had again called the complainant on the pretext of marrying her, whereafter she had left her house with jewellery and then the petitioner had again committed rape with her as also snatched her jewellery which she had taken with her.

The learned counsel for the petitioner has submitted that the the petitioner is innocent, is having a clean antecedent and the instant incident is a consensual act in between the complainant and the petitioner herein. It is further submitted that the petitioner is having no complicity in the matter.

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

I have heard the learned counsel for the parties and gone through the materials on record as also perused the case diary from which it is apparent that the complicity of the petitioner is writ large, hence considering grievousness of the



offence alleged and the heinous type of crime committed by the petitioner herein, I do not find it fit and proper to at least consider the case of the petitioner for grant of anticipatory bail, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

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