

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16807 of 2020

Arising Out of PS. Case No.-5 Year-2020 Thana- MAHILA P.S. District- Sheikhpura

Sayeedur Rahman @ Saidur Rahman, Male, aged about 28 years, Son of Late Md. Haider Ali, Resident of Village - Barahra, P.S.-Ramgarh, Distt - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 14-10-2020 Heard the parties through the virtual court proceeding.

The petitioner apprehends his arrest in connection with Sheikhpura Mahila P.S. Case No. 05 of 2020 registered for the offence punishable under Section 376 of the Indian Penal Code and 8 of POCSO Act.

The prosecution case in brief is that on 13.01.2020, informant Shabnam Khatun, wife of Najam Shah, resident of village Maniyauri, P.S. Mehus, District Sheikhpura filed a written petition before Sheikhpura Mahila P.S. on the basis of which Sheikhpura Mahila P.S. Case No.05 of 2020 has been instituted. The accused petitioner namely Md. Saidur Rahman is working as Imam in Mosque at the village of the informant and also teaches the children in evening. The informant daughter



namely Tara Khatoon aged about 13 years also gets tuition from the petitioner with her youngest brother Md. Ekram @ Chhotu and during course of the tutorial about six months ago, the said petitioner took away her daughter in a room and raped her and also threatened to her, if you say about this to any other then your brother will be killed by him, due to this, she was fearful and weeping and on 13.01.2020, she has stated all the incident which was done by the Maulvi before them. With this allegation, the F.I.R. was registered against the petitioner.

Learned counsel for the petitioner submits that the the petitioner is innocent and has committed no offence. He further submits that the petitioner has got no criminal antecedent.

From perusal of the F.I.R., it is very surprising that the said petition has stated by Md. Nazam Sah and scripted by Iqbal Alam. It clearly shows that present case be instituted by the informant and script writer for pressurize the petitioner. He however submits that actually there is no any overt act done by the petitioner with the daughter of the informant but the said informant and her husband had made pressure before the petitioner to do marriage with their daughter namely Tara Khatoon but the said petitioner stately refuse that proposal because the daughter of the informant is minor and distance of



the age among them is also very far.

Learned A.P.P. for the State opposed the prayer for bail and submitted that the petitioner is named in the F.I.R. There is sufficient material in the case record against the petitioner. Victim girl appears before the court and clearly stated about the occurrence.

Considering the facts and circumstances of the case and further considering the submissions of learned counsel for the parties and from perusal of the case record, it appears that the allegation against the petitioner is that he committed rape upon the daughter of the informant aged about 13 years and also threatened her.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner in connection with Sheikhpura Mahila P.S. Case No.05 of 2020 pending in the court of learned Additional District Judge-Ist, Sheikhpura is hereby rejected.

(Anjani Kumar Sharan, J)

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