

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16246 of 2020

Arising Out of PS. Case No.-54 Year-2019 Thana- DARPA District- East Champaran

Washim Ahamad Son of Ali Asgar Resident of Village - Pipra, P.S.- Darpa,
District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava

For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 01-12-2020 Heard learned counsel for the parties through video conferencing.

Petitioner apprehends his arrest in Darpa P.S. Case No. 54 of 2019 registered for the offence under Sections 376, 420 of the Indian Penal Code and Sections 66(A), 66(B), 67(A), 67(B) of the Information and Technology Act, 2000.

As per the prosecution case, on 15-04-2019, while the mother of the informant was not in the house, this petitioner gave *jalebi* to the victim and after making her unconscious, committed rape with her and also made video of the incident viral.

It is submitted on behalf of petitioner that petitioner is next door neighbour and no such occurrence has taken place. In fact, the mother of the petitioner had lodged a complaint case, vide Complaint Case No. 186 of 2019, against informant and



others and the present case is counter blast of the said case. There is inordinate delay in lodging the FIR and the same has been filed after denial of marriage by the petitioner with informant.

However, learned A.P.P. for the State has vehemently opposed the bail application and submitted that petitioner has committed rape with the informant, which has been supported by her in the statement recorded under Section 164 Cr.P.C. and the learned court below has also assessed the age of the victim, as 14 years.

Considering the aforesaid facts and circumstances as well as nature of allegation and statement recorded under Section 164 Cr.P.C., I am not inclined to grant anticipatory bail to the petitioner and accordingly, same is rejected.

(Prabhat Kumar Singh, J.)

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