

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18565 of 2020

Arising Out of PS. Case No.-43 Year-2019 Thana- MAHILA P.S. District- Muzaffarpur

IMAM MAULANA MAQBOOL @ MAULANA MAQBOOL Son of Md.
Mohiuddin R/O- Baghari, P.S.- Runisaidpur, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-07-2020 This case has been heard through video conferencing.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 376, 323, 504 and 34 of the Indian Penal Code and Section 4 of the POCSO Act.

As per the prosecution case, when the informant went to the residence of the petitioner with night meal and went to keep drinking water in his room, the petitioner is said to have closed the room inside and committed rape against her and also threatened her to keep mum and gave Rs.15/-. It is also alleged that Md. Sohaib is an electrician, who used to come to her house for correcting fault in electricity, also committed rape against her on assurance to marry with her but now he has



refused to marry with her.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case. As a matter of fact, the informant of this case is of questionable character and as such she made physical relation with co-accused Md. Sohaib and became pregnant. Md. Sohaib refused to marry with her whereupon a panchayati was held. Petitioner is a Maulana and he was against any marriage during pregnancy and due to this he has been falsely implicated in this case on the basis of concocted story. The petitioner has no criminal antecedent and has been languishing in custody since 16.11.2019.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that there is serious allegation against the petitioner, hence he does not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer for bail is hereby rejected. However, the petitioner may renew his prayer for bail after framing of charge.

(Anjani Kumar Sharan, J)

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