

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27895 of 2020

Arising Out of PS. Case No.-255 Year-2019 Thana- SASARAM MUFFSIL District- Rohtas

MUMTAJ ANSARI @ MOHAMAD MUMTAJ ANSARI Son of Kamaluddin
Ansari Resident of Village - Samahutta, P.S.- Kachhawa, Dist.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey, Adv.

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 14-12-2020 Heard the learned counsel for the petitioner and Ms. Anita Kumari Singh, the learned APP for the State.

The petitioner seeks regular bail in connection with S.Tr. No. 618 of 2019 (Sasaram (M) P.S. Case No. 255 of 2019), registered for the offence punishable under Sections 376 and 120(B) of the Indian Penal Code.

The case of the prosecution as per the prosecutrix is that on 03.08.2019, the petitioner had called the prosecutrix to Nokha bus stand at about 10 am., from where the petitioner had taken the prosecutrix along with one Sonu Ansari on his



motorcycle to Chandtan Shahid Hill where they stayed till 2 O'clock and then, when they were returning back from the hill, the co-accused person, namely, Sonu Ansari, had got down from the motorcycle. It is further alleged that thereafter, the petitioner had forcibly taken the prosecutrix inside a bush and committed rape with her.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that the prosecutrix is major, hence, no offence is made out and the petitioner is having no complicity in the alleged occurrence.

Per contra, the learned APP has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also those available in the case diary, this Court finds from a bare perusal of the statement made



by the prosecutrix under Section 164 Cr.P.C. before the learned Magistrate that she has reiterated the factum of rape having been committed by the petitioner herein and moreover, the factum of rape having been committed by the petitioner also stands corroborated from the medical report wherein it has been opined by the medical board that “it seems likely that recent intercourse has been done” hence, the complicity of the petitioner in the alleged occurrence is writ large on the records, thus, I do not find any merit in the present petition, accordingly, the prayer of the petitioner for grant of regular bail stands rejected.

(Mohit Kumar Shah, J)

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