

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.83115 of 2019**

Arising Out of PS. Case No.-27 Year-2019 Thana- MAHILA KISHANGANJ P.S. District-  
Kishanganj

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Jahagir @ Sarfaraz @ Md. Jahagir @ Jahangir (M), aged about 30 years, Son  
of Maimur @ Maimur Alam Resident of Village - Singhiya, Chakandara,  
Police Station- Kochadhaman, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                      |   |                                                  |
|----------------------|---|--------------------------------------------------|
| For the Petitioner/s | : | Mr. Vijay Kumar with<br>Mr. Raj Kumar, Advocates |
| For the State        | : | Mr. Nawal Kishore Prasad, APP                    |

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH  
ORAL JUDGMENT**

**Date : 08-01-2020**

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

2. The petitioner seeks bail in connection with  
Mahila Kishanganj PS Case No. 27 of 2019 dated 01.08.2019  
instituted under Sections 376 of the Indian Penal Code and 4/6  
of the Protection of Children from Sexual Offences Act, 2012.

3. The allegation against the petitioner is of  
committing rape on the informant, who was a minor girl.

4. Learned counsel for the petitioner submitted that  
the version in the FIR is at variance with the version given by  
the informant before the Court under Section 164 of the Code of  
Criminal Procedure, 1973. It was submitted that the reason for



false implication is that the informant side had wanted her to be married to the petitioner but upon his refusal, this false case has been instituted. It was submitted that the petitioner having no other criminal antecedent is in custody since 02.08.2019.

5. Learned APP submitted that there may be minor variance with regard to sequence of events but the crux of the matter is that the petitioner did commit rape on the minor girl which is clearly and specifically stated by the victim girl, both in the FIR and the statement recorded before the Court.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

7. Accordingly, the application stands dismissed.

**(Ahsanuddin Amanullah, J)**

Anjani/-

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