

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2733 of 2020

Arising Out of PS. Case No.-281 Year-2018 Thana- BIRPUR District- Supaul

Md. Nasim Akhtar Son of Noor Mohammad Resident of Village - Fulka Tola
(Kochgama), P.O. and P.S.- Birpur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parth Gaurav, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 22-06-2020 This matter has been taken up through Video Conferencing.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in connection with Birpur P.S. Case No.281 of 2018, registered for the offence punishable under Section 376 of the Indian Penal Code.

Allegation in the FIR is that the petitioner committed rape against the informant by pretending that he would marry with the informant.

Learned counsel for the petitioner submits that the matter was of love affairs. After breakup false case has been lodged. The allegation has not been corroborated by medical evidence.



The petitioner has not produced any material evidence to substantiate that there was love affairs and love call from the victim. The consent obtained by fraud cannot be said to be free consent. The doctor has not found any sign of rape that would not lead the court to reject the statement of victim of rape at this stage.

Considering the nature of allegation, I am not inclined to grant anticipatory bail to the petitioner. Hence, the prayer for anticipatory bail is refused.

(Birendra Kumar, J)

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