

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86043 of 2019

Arising Out of PS. Case No.-396 Year-2017 Thana- NAUTAN District- West Champaran

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Bittu Mian alias Iftekhar, aged about 27 years, Male, Son of Irsad Mian @ Irshad Ahmad, Resident of Village - Mahuawa Madarsa, P.S.- Nautan (Jagdishpur), District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shiv Kumar Dwivedy

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 18-02-2020 Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is apprehending his arrest in connection with Nautan (Jagdishpur) P.S. Case No. 396 of 2017 registered for offences under sections 365, 376(a) 506/34 of the Indian Penal Code and Section 4/6 of the POCSO Act.

In the present case, as per allegation made in the F.I.R., the present petitioner along with Majid and Afroj have lifted the minor girl and stated putting pressure upon her for entering into the marriage with Majid Ansari to which she refused, whereafter, all the three persons committed rape upon her. On the pressure of the local politicians, the girl was brought



and she was released.

The girl in the statement made under Section 164 of the Cr.P.C. has stated that all the accused persons have taken her but, Majid Ansari was putting pressure to enter into the marriage but, when she refused for the same then Majid Ansari has committed rape upon her.

Learned counsel for the petitioner submits that there is no allegation of commission of rape against the present petitioner which gets support from the statement of the girl made under Section 164 Cr.P.C. He further submits that the police has also submitted the final form.

Looking to the fact that the present petitioner has participated in lifting the girl as also looking to the entire facts and circumstances of the case, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

Accordingly, the prayer for bail of the petitioner, above named, is rejected.

(Shivaji Pandey, J)

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