

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87011 of 2019

Arising Out of PS. Case No.-200 Year-2017 Thana- BAUSI District- Purnia

MD. IFTEKHAR @ MD. IFTAKHAR Son of Majnu @ Majanu Resident of
Village - Dahki, P.S.- Kadwa, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Najeeb Ahmad

For the Opposite Party/s : Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 03-09-2020 Heard the learned counsel for the petitioner
and Sri Ashok Kumar, the learned APP for the
State.

The petitioner seeks regular bail in connection
with Baisi P.S. Case No. 200 of 2017, registered for
the offence punishable under Section 366A of the
Indian Penal Code.

The allegation is regarding the petitioner
having forcibly taken the victim girl to Haryana
where he committed rape upon her on several
occasions.

The learned counsel for the petitioner has
submitted that the age of the victim girl has been



determined as 18-19 years, as is apparent from the report of the medical board, hence, the alleged incident is consensual and cannot be said to be against the wishes of the victim girl, thus, it is submitted that the petitioner is liable to be granted the privilege of bail. It is further submitted that the petitioner is having a clean antecedent and he is languishing in custody since 17.10.2019.

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

I have heard the learned counsel for the parties, perused the materials on record and gone through the case diary. It is apparent from the statement of the victim girl made under Section 164 Cr.P.C., before the learned Magistrate, that the victim girl was allured and taken by the petitioner to Haryana where the petitioner had raped her on several occasions. In fact, it is apparent from the materials available in the case diary that the police, upon investigation, has prima facie found the case to be true as against the petitioner herein, hence, there is no reason for this Court to



take a different view. This Court finds that the petitioner is having complicity in commission of a heinous crime of rape, thus, the petitioner deserves no sympathy.

Accordingly, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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