

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12869 of 2021**

Arising Out of PS. Case No.-18 Year-2020 Thana- KATIHAR GRP CASE District- Katihar

TAUFIK ALI Son of Md. Mati Insan @ Matiur Rahman Resident of Village -
Minapur, P.S.- Baila Belon, Distt.- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 27-08-2021 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Katihar Rail P.S. Case No. 18 of 2020 registered for the offences punishable under Sections 376, 363 and 506 of the Indian Penal Code and $\frac{3}{4}$ of the Protection of Children from Sexual Offences (POCSO) Act. He is in custody since 14.03.2020.

Learned counsel for the petitioner submits that the prosecution story as stated by the victim girl in the F.I.R. seems to be highly suspicious. According to her she is illiterate, on 06.03.2020 she reached Katihar Railway Station for going to Gonda (State of U.P.) where her fufi is living. She alleges that at

about 6-7 pm when she was going to purchase a ticket, one boy came to her and told her that he has got one extra ticket for Gonda and told her that he will drop her at Gonda. He disclosed his name as this petitioner. The informant further alleged that on the pretext of taking her to Gonda, he got her boarded on a train which was going to Delhi. While travelling on the train, the petitioner came on her seat which was the upper seat and started teasing her and threatened her that if she will say anything to anybody then he will throw her out. After about half an hour of the start of the train the petitioner committed wrong act with her. On 07.03.2020 at about 10.30 pm she reached to his brother-in-law's place and in the morning they started for going to some other place. At this stage it is alleged that this petitioner was trying to flee away leaving her alone, this informant thereafter raised a hulla on which public caught hold of this petitioner. The informant claims that she took mobile phone of somebody from the public and gave a call on '100' number whereafter she reached police station.

Learned counsel for the petitioner submits that in her Section 164 Cr.P.C. statement the victim has deviated from her statement in the F.I.R. According to her statement she was going to Gonda on 12.03.2020. She alleges that this petitioner had

allured her and took her there. She had said that she does not have a ticket. He got her seated in the train and provided her samosa to eat whereafter she became unconscious and gained her sense after half an hour. She was taken to Delhi. In train wrong act was committed with her. Thereafter she reached the house of his brother-in-law, his brother-in-law told him to leave the informant to her place whereafter he was taking her to Anand Vihar by a tempo but on way she had a quarrel with him, people assembled there then she narrated her story.

Learned counsel submits that it is apparent from the materials on the record that the victim girl who is said to be a minor and left her place on her own and she does not claim any prior acquaintance with this petitioner but admits that she had gone with him in the train and in the train wrong act was committed with her. The manner of occurrence as alleged is highly suspicious.

It is his submission that it may at best be a case of love affair between the two.

Mr. Akhileshwar Dayal, learned A.P.P. for the State submits that though the medical examination report does not show any sign of rape but the allegation made by the victim who is minor cannot be ruled out.

Considering the facts and circumstances of the case, on finding that this petitioner has declared his age as thirty years whereas the victim girl is said to be minor aged about sixteen-seventeen years and the materials are indicating that she was at least taken away by the petitioner on some kind of allurement, this Court is not inclined to release the petitioner on bail. Prayer for bail is, thus, refused. Let the trial be expedited.

If the trial remains unconcluded for no reason attributable to the petitioner within nine months from the date of communication of this order, the petitioner may renew his prayer for bail.

This application stands dismissed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.