

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14777 of 2021**

Arising Out of PS. Case No.-36 Year-2020 Thana- MAHILA P.S. District- Araria

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FIROZ ANSARI Son of Yakub Ansari Resident of Village - Bardaha, P.S.-
Sikti (Bardaha), Dist.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Anil Prasad Singh, Advocate

For the Opposite Party/s : Ms Meena Singh, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 **27-09-2021** Heard learned counsel for the petitioner and the
learned Additional Public Prosecutor (for brevity, *APP*)
appearing for the State of Bihar.

The informant has alleged that the petitioner has entered into the room of his minor daughter where she was sleeping and committed rape. When he tried to stop then he has also been thrashed.

Learned counsel for the petitioner submits that two days after the incident, the victim was examined medically still the doctor has opined fresh rupture of the hymen. It is further submitted that it is a case of false implication and that the petitioner, having no criminal antecedents, has remained now in custody since 15.05.2020. Medical assessment of the victim has



placed her age between 16 to 18 years.

Learned APP has submitted that the medical report corroborates the allegation of rape. The victim has also corroborated the allegation of rape in her statement recorded under Section 164 of Criminal Procedure Code. The petitioner cannot claim any benefit out of the fact that the age determination of the victim placed her between 16 to 18 years.

Considering the rival submissions, this Court is inclined to accept the submissions made by the learned APP.

Prayer for bail is rejected for the present.

(Madhuresh Prasad, J)

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