

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14873 of 2020

Arising Out of PS. Case No.-15 Year-2019 Thana- MAHILA PS District- Katihar

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Mumtaz Ali @ Mumtaj, aged about 26 years, male, Son of Md. Zakir,
Resident of Churlighat, P.S. - Rautara, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Adv.

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 07-12-2021 Heard the counsel for the parties.

The petitioner seeks bail in anticipation of his arrest in connection with Katihar Mahila P.S. Case No. 15 of 2019, dated 12.02.2019, instituted for the offences under Sections 341, 323, 376 and 313 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

The accusation against the petitioner is of having



established sexual relation with the informant, whereafter she became pregnant. Later, she was made to abort and was taken to different destination.

The learned counsel for the petitioner has submitted that the occurrence took place on 04.08.2018, whereas the complaint in that regard was lodged only on 05.11.2018, i.e., after a delay of three months. He has further submitted that the averments made in the complaint petition which has given rise to the subject F.I.R. is absolutely untrustworthy. There is nothing in the medical report indicating any sexual misconduct on the part of the petitioner of the recent abortion of the victim.

On the afore-noted grounds, the counsel for the petitioner has submitted that the case is absolutely false. He has also supplemented his argument by stating that the informant now does not wish to prosecute the petitioner any further.

Regard being had to the nature of accusation against the petitioner, I am not inclined to grant anticipatory bail to him.



The prayer for grant of anticipatory bail to the petitioner is, accordingly, rejected.

However, if he surrenders before the Court below and seeks bail, the Court below, after taking into account all the above-noted facts including the delay in lodging the F.I.R. and there being nothing on record to indicate the pregnancy of the victim and later her abortion as also that the informant does not wish to prosecute the petitioner any further, shall pass order in accordance with law, without being prejudiced by the fact that the present anticipatory bail application has not been entertained by this Court.

The application stands dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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