

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28794 of 2020

Arising Out of PS. Case No.-87 Year-2019 Thana- MAHILA P.S. District- Madhubani

MD. SHAHID AFJAL @ SAHID AFJAL S/o Md. Chhote Resident of
Village- Dumari, P.S.- Rahika, Dist- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 18-01-2021 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Mahila P.S. Case No. 87 of 2019 for the offence punishable
under Sections 376 and 34 of the Indian Penal Code.

The petitioner is alleged to have made a promise to
the informant that he would marry her and on that pretext, he is
stated to have engaged in establishing sexual relationship with
the victim girl since about 4-5 years.

The learned counsel for the petitioner submits that the
petitioner is innocent, has been falsely implicated in the present
case and is having a clean antecedent. The learned counsel for
the petitioner has further submitted that the girl and the
petitioner herein are major and at best the sexual relationship, in
between them, can be said to be consensual in nature,



nonetheless, there is no question of the petitioner having forcibly established sexual relationship with the victim girl.

Per contra, the learned counsel for the informant has submitted that the victim girl was allured by the petitioner on the false pretext of marrying her and in the process he has committed wrong with her.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties as also considering the materials available in the case diary, this Court finds that according to the physical and pathological report, the Board has opined that it cannot conclude as to whether sexual assault has been done or not and further. The Medical Board has found the age of the victim girl to be 19 years, hence, this Court finds that miniscule evidence is available on record so as to connect the petitioner with the alleged crime in question, thus, I deem fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioner above-named shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of



learned S.D.J.M., Madhubani in connection with Mahila P.S.
Case No. 87 of 2019.

(Mohit Kumar Shah, J)

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