

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41241 of 2021

Arising Out of PS. Case No.-56 Year-2020 Thana- MAHILA P.S. District- Samastipur

MD. SHAHRUKH RABBANI @ MD. RABBANI S/O MD. ANWAR ALI
R/O VILLAGE-MARGANGPAR MAHMADIPUR, P.S-MOHIUDDIN
NAGAR, DISTRICT-SAMASTIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Vaishnavi Singh

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 06-12-2021 Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail registered for the offences punishable under section 376 and other sections of the Indian Penal Code and sections 4/8 of the POCSO Act.

As per the prosecution case, on the false pretext of marriage petitioner repeatedly committed rape on the victim and twice got her aborted.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Doctor has not found any sign of injury and medical board has assessed her age to be 18/19 years. Pregnancy test was negative. There was love affair between the petitioner and the victim and physical relationship was consensual and there was



no document to support the allegation of termination of pregnancy by the petitioner. Petitioner has got clean antecedent as stated in paragraph 3 of the bail petition. Petitioner is in custody since 12.5.2021.

Learned counsel for the State and the informant oppose the prayer for bail and submits that there is specific allegation that on the false pretext of marriage petitioner repeatedly committed rape on the victim and twice got her aborted.

Considering the nature of accusation against the petitioner, his prayer for bail is refused.

(Prabhat Kumar Singh, J)

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