

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9269 of 2021

Arising Out of PS. Case No.-65 Year-2020 Thana- FALKA District- Katihar

Md. Danish Son Of Late Mujahid Resident Of Village - Bharsia, Police
Station - Falka, District - Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhijeet Gautam

For the Opposite Party/s : Mr. Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 20-09-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Falka P.S. Case
No. 65 of 2020 registered for the offence punishable under Sections
366A, 376, 120(B) of the Indian Penal Code.

Allegation against the petitioner is that petitioner abducted
informant's daughter in the night of 19.02.2020 at about 2:00 am and
performed illicit act with her by forcing her to do so.

Learned counsel for the petitioner submits that petitioner has
falsely been implicated in this case and has not committed any
offence as alleged in the FIR. He submits that petitioner had love
affairs with victim, therefore in the night the victim open the door



and went away at her own. It appears that the victim was habituated to the intercourse and although no sign and injury of any sexual intercourse was then found after examination by doctors and further aged is found to be 17 years. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent and he is languishing in custody since 21.02.2020.

Learned APP for the State vehemently opposing the bail petition submits that from perusal of statement of victim recorded under Section 164 Cr.P.C. and paragraph 87 of the case diary, it is clear that both support the prosecution case that petitioner had performed illicit intercourse with the victim.

In the facts and circumstances of the case, I am not inclined to grant privilege of bail to the petitioner in connection with Falka P.S. Case No. 65 of 2020 to the satisfaction of Learned Additional Chief Judicial Magistrate – I, Katihar corresponding to G.R. No. 816 of 2020.

Accordingly, prayer for bail of the petitioner is hereby rejected.

However, learned trial court is directed to expedite the trial.

(Anjani Kumar Sharan, J)

GAURAV S./-

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