

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6528 of 2021

Arising Out of PS. Case No.-201 Year-2020 Thana- CHOUTARWA District- West
Champaran

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Amir Miya @ Aamir Miya aged about 25 years Son Of Late Hakim Miya
Resident Of Village- Nougawa, P.S.- Bathwariya, Distt- West Champaran

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ramakant Sharma, Senior Advocate and
Mr. Rakesh Kumar Sharma, Advocate

For the Opposite Party : Mr. RVR Raman, Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-04-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail in Chautarwa
(Bathwariya) Police Station Case No. 201 of 2020 registered for
the offences punishable under section 376 of the Indian Penal
Code.

As per the prosecution case, the petitioner entered into
the room of the informant and forcibly committed sexual assault
on her and when she cried, her family members rushed there and
caught the petitioner on the spot.

Learned counsel for the petitioner submits that in fact
there is love affair between informant & petitioner and petitioner
used to make physical relation with consent and cannot be said to



be rape. Besides this, the prosecutorix was medically examined and she was found to be 19/20 years old. Petitioner has got clean antecedent as stated in paragraph 3 of the bail petition. Petitioner is in custody since 9.6.2020.

Learned counsel for the State opposes the prayer for bail and submits that there is specific allegation against the petitioner of committing sexual assault on the informant.

Considering the facts and circumstances of the case and the fact that there is specific allegation against the petitioner of committing sexual assault on the informant, prayer for bail of the petitioner is refused.

(Prabhat Kumar Singh, J)

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