

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29595 of 2021

Arising Out of PS. Case No.-104 Year-2019 Thana- AMAUR District- Purnia

MD. RAZZAQUE Son of Md. Rahman, Resident of Village-Kothi Tola,
Kanharia, P.S.- Dagarua, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 11-03-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioner and the

learned Additional Public Prosecutor for the State through video

conferencing.

The petitioner apprehends his arrest in connection

with Amour P.S. Case No. 104 of 2019 registered for offence

punishable under section 376 of the Indian Penal Code and

section 4 of the POCSO Act.

The present case has been instituted on the basis of

complaint petition lodged on behalf of the victim Nuzrat

Khatoon.



As per allegation, the informant went to the house of brother-in-law (Bahnoi) where the petitioner, who is brother of her Bahnoi, on the enticement of marriage, committed rape on her. The present petitioner repeatedly on 2-3 occasions committed rape. Ultimately, he refused to marry with the informant.

The learned counsel for the petitioner has submitted that during investigation, allegation of rape was not found true. As such, the charge sheet was submitted only under section 354A of the Indian Penal Code and section 8 of the POCSO Act.

The complainant/informant, in her complaint petition, has stated that she was subjected to rape on the enticement of the marriage. Although, the charge sheet has been submitted under section 354A of the Indian Penal Code and section 8 of the POCSO Act, but the cognizance has been taken under section 376 of the Indian Penal Code. The victim has fully corroborated the allegation in her statement under section 164 of the Code of Criminal Procedure.

Considering above mentioned facts and circumstances, in my view, it is not a fit case for anticipatory bail and accordingly the prayer for anticipatory bail is rejected.

Office shall ensure that all defects are removed by the



petitioners within the stipulated time mentioned hereinabove,
failing which, the matter shall be brought to the notice of this
Court.

(Nawneet Kumar Pandey , J)

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