

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31315 of 2021**

Arising Out of PS. Case No.-242 Year-2020 Thana- DARBHANGA SADAR District-
Darbhanga

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Md Nizam @ Md Nizamuddin S/o Badre Alam Resident of Vill- Pura, P.S.-
Sadar, Dsitt- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kedar Jha
For the Opposite Party/s : Mr. A.G

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

4 30-03-2022 Heard learned counsel for the petitioner and

learned APP for the State.

Learned counsel for the petitioner is expected

to honour his undertaking given in the instant case for

depositing the requisite court fee and to remove the

defects as pointed out by the office when called upon to

do so by the office.

The petitioner is apprehending his arrest in a

case registered for the offences punishable under Section

376(3) of the Indian Penal Code and Section 4/6 of the

Protection of Children From Sexual Offences Act.



It is alleged against the petitioner that he forcefully committed rape after closing the mouth of the informant on 14.05.2020 and again committed rape on 16.05.2020. He also took obscene picture and video of the informant and threatened to display the same if she discloses the act of the petitioner to anyone. It is further alleged that thereafter a panchayati was organized and the petitioner accepted his guilt and promised to marry with the informant but subsequently he denied to perform marriage with the informant.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case. The petitioner had love affairs with the informant and when he denied to perform marriage with the informant, this false case has been lodged against the petitioner.

Learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for anticipatory bail of the petitioner and stated that the victim is minor and



she in her 164 Cr.P.C statement has specifically alleged against the petitioner to have forcefully committed rape upon her.

Considering the fact that there is direct allegation against the petitioner to have committed rape to the victim, a minor girl, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

The prayer for grant of anticipatory bail to the petitioner stands rejected.

(Sunil Kumar Panwar, J)

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