

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35019 of 2021

Arising Out of PS. Case No.-470 Year-2019 Thana- PIRBAHOR District- Patna

MD. GULAM ASHRAF JEELANI SON OF MOHAMMAD TAHIRUL
HASAN, Resident of ward No.14, P.S.- Ghordaur, Distt.- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar
For the Opposite Party/s : Mr.Akbar Ali

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

ORAL ORDER

3 10-02-2022 Heard the learned counsel for the petitioner and the

learned Additional Public Prosecutor for the State through video
conferencing.

The learned counsel for the petitioner is directed to
remove all the defects pointed out by the office within one
month.

The petitioner apprehends his arrest in connection
with Pirbahore P.S. Case No. 470 of 2019 registered for offence
punishable under sections 376, 504, 506 of the Indian Penal
Code and section 66 (E) of the I.T. Act.

As per FIR, the prosecutrix came into the contact of
the present petitioner in the year 2015. After developing
intimacy, the petitioner started harassing her sexually. He



committed rape on her and after making vulgar clips, he sent it to the family members of the prosecutrix. He also threatened the prosecutrix to eliminate as he is related to Indian Mujahiddin.

The learned counsel for the petitioner has although denied the allegation of rape, but at the same time, he has submitted that even if it has been committed, it does not come in the definition of rape, since it is a consensual relationship. He has also submitted that the prosecutrix has developed relation with the petitioner in the year 2015, but she has lodged the FIR after four years, i.e. in 2019.

As per allegation, the present petitioner not only sexually ravished the prosecutrix, but also in order to defame her in society, he made viral her photographs on WhatsApp and threatened to kill the prosecutrix and her family members.

As such, I do not think it a fit case for anticipatory bail and accordingly the prayer for anticipatory bail is hereby rejected.

(Nawneet Kumar Pandey , J)

Mahesh/-

U		T	
---	--	---	--

