

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28147 of 2022

Arising Out of PS. Case No.-21 Year-2022 Thana- BASOPATTI District- Madhubani

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GULZAR ANSARI @ IMMAMUDIN ANSARI S/o Md. Alauddin Ansari
Resident of Village- Lauthwa, P.S.- Basopatti, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-09-2022 Heard learned counsel for the petitioner and learned

APP for the State through video conferencing in view of the

COVID 19.

Let the defect(s), if any, as pointed out by the office be
removed within four weeks.

The petitioner is in judicial custody in connection with
Basopatti P.S. Case No. 21 of 2022 for the offences under Sections
323, 341, 376, 504 and 34 of the Indian Penal Code and section 4 of
the POCSO Act.

The informant is Kayum Ansari father of the victim girl,
Jasima Khatoon. As per the FIR, the informant has alleged that his
minor daughter was vomiting one day, was taken to the doctor, where
they were informed that she is pregnant. Upon query, she informed
that when she was going to cut grass in the field a year ago, the
petitioner forcibly established physical relationship which was repeated
again and again resulting into the present pregnancy. It was her



further information that when she tried to abort, this petitioner came forward and warned her that if she aborts, he will never marry her. Accordingly, after knowledge of the same and considering that the girl is minor, the present FIR was lodged by the informant.

Learned counsel for the petitioner submits that the medical report shows no sexual assault and as such it can be very well said that there was no physical relationship.

Learned counsel for the informant, on the other hand, submits that the minor victim girl, who is pregnant, is being questioned by the counsel for the petitioner that there is no sign of physical relationship. He further submits that a bare perusal of the medical report clearly shows the fact contrary to the submission made by the learned counsel for the petitioner.

Be that as it may, there is direct allegation of sexual assault on a minor girl by the petitioner herein and in the backdrop of the said facts, this court is not inclined to grant any relief to him, which is accordingly rejected.

(Rajiv Roy, J)

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