

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49303 of 2021**

Arising Out of PS. Case No.-171 Year-2021 Thana- SHERGHATI District- Gaya

MD AMZAD S/o Enamul Haque Md. Enamul Haque Resident of Village- Bar
Hussainganj, P.S.- Sherghati, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha

For the Opposite Party/s : Mr.Yogendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 26-04-2022 Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail in registered for the offences punishable under section 376 of the Indian Penal Code.

As per the prosecution case, on 18.3.2021 the petitioner entered the house of the informant and tried to outrage her modesty. In the FIR, the informant has further stated that earlier on 13.3.2021 the petitioner allured and took her to unknown place and kept her for five days and committed sexual assault. Petitioner also threatened the victim not to disclose the ordeal to anyone otherwise she would be killed.

Learned counsel for the petitioner submits that the informant is major and appears to be a consenting party in the case and only with a view to extort money, she has falsely implicated the petitioner in the instant case. Petitioner has got



clean antecedent as stated in paragraph 3 of the bail petition.
Petitioner is in custody since 20.3.2021.

Learned counsel for the State opposes the prayer for bail and submits that the victim in her section 164 Cr.P.C. statement has supported the prosecution case. Even mobile phone of the petitioner has also been recovered from the house of the informant.

Considering the nature of accusation and materials available on the records against the petitioner, his prayer for bail is refused.

(Prabhat Kumar Singh, J)

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