

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46707 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- MAHILA PS District- Aurangabad

=====

FURKAN QURAISHI SON OF SAHID @ SAHID ALI KURAISHI @
SANICHARA R/O VILLAGE- KURAISHI MOHALLA, P.S.- TOWN,
DISTRICT- AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey
For the Opposite Party/s : Mr. Vinod Shanker Modi

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner undertakes to
remove the defect(s), as pointed out by the office, within four
weeks.

The petitioner apprehends his arrest in Mahila P.S.
Case No. 08 of 2022 registered for the offences punishable
under Sections 376 and 506 of the Indian Penal Code pending
in the Court of learned S.D.J.M., Aurangabad.

The accusation against the petitioner is that he
committed rape upon the informant on the false promise of
marriage.

It is submitted by learned counsel for the petitioner



that no such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation levelled against the petitioner is completely false and fabricated. No such occurrence as alleged has ever taken place. Learned counsel for the petitioner in buttress of his submission has relied upon the order dated 14.07.2022 of the Hon'ble Apex Court in the case of Ansaar Mohammad Vs. The State of Rajasthan and another passed in Cr. Appeal No.962 of 2022. Petitioner has no criminal antecedent.

Learned APP for the State vehemently opposing the bail petition submitted that the informant in her statement and the witnesses in their statements have supported the case of the prosecution. The doctor in his medical report has opined that the victim seems to be habituated to sexual act. Petitioner is named in the F.I.R. and there is direct allegation against him. Hence, the petitioner does not deserve bail.

Having heard learned counsel for the parties and after perusing the case law relied upon by learned counsel for the petitioner, in my considered opinion, in the facts and circumstances of the present case the aforesaid case law is not applicable in the case under hand.

In view of the aforesaid, I am not inclined to enlarge



the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, the petitioner is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

Trivedi/-

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

