

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58109 of 2021

Arising Out of PS. Case No.-49 Year-2021 Thana- MAHILA P.S. District- Araria

MD RIZWAN @ RIZWAN Son of Md. Rahmatullah @ Md. Rahmatulla
Resident of Village - Rampur Dakshin, Ward No.3, P.s.- Forbesganj, Distt.-
Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh
For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 24-03-2022 Heard learned counsel for the parties.

The petitioner seeks bail in a case registered for the
offence under Section 376 of the Indian Penal Code.

As per the prosecution case, this petitioner is alleged
to have committed rape upon the victim (informant) on false
promise of marriage, resulting in pregnancy.

It is submitted on behalf of petitioner that petitioner
has been falsely implicated in this case with some ulterior
motive and no such occurrence, as alleged in the F.I.R., has ever
taken place. Informant is a married lady and leading her life
with her husband. It is further submitted that though, it is
alleged that due to relationship with the petitioner, she was
divorced by her husband, but in statement recorded under



Section 164 Cr.P.C., she has not stated about divorce from her husband. It is further submitted that during pendency of this petition, an affidavit has been filed on behalf of the informant on 27.01.2022 stating therein that due to mistake of fact, the petitioner has been implicated in this case (Annexure 1 to the supplementary affidavit). Petitioner is in custody since 23.07.2021.

However, learned A.P.P. for the State vehemently opposed the bail petition and submitted that there is specific allegation against this petitioner of committing rape with the victim on the false promise of marriage resulting in pregnancy, which fact has duly been supported by the victim (informant) in her statement recorded under Section 164 Cr.P.C.

Considering the nature and gravity of the offence as well as statement of the victim recorded under Section 164 of the Cr.P.C., I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J)

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