

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66765 of 2021

Arising Out of PS. Case No.-69 Year-2021 Thana- RAUTARA District- Katihar

MD. FAKIR UDDIN Son of Ajabul Haque Resident of village - Chanpi, P.S.-
Rautara, District - Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr.Anand Kishore Choudhary

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

ORAL ORDER

2 02-06-2022 Learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the petitioner as well as the
learned APP for the State.

The petitioner apprehend his arrest in connection
with Rautara P.S. Case No. 69 of 2021, registered for the
offences punishable under Sections 376/504 of the Indian Penal
Code.

As per allegation, the petitioner was sexually
exploiting the victim for five months prior to lodging of the FIR
on the pretext to marry her and lastly he denied to marry her.



On 28.05.2021 the prosecutrix with her brother went to the house of the petitioner to complain. Then the petitioner and his parents abused her and ousted her from there. The petitioner has solemnized his marriage with another girl.

Learned counsel for petitioner has submitted that the FIR was lodged after two months. He has further submitted that the victim has stated that she had love affair with the petitioner. He has also submitted that the victim herself has stated in her statement under Section 164 of the Cr.P.C. that her age is 22 years and doctor opined her age 18-19 years.

On the other hand, learned APP has submitted that the petitioner after giving her assurance to marry, committed rape upon her and spoiled her life. He has submitted further that the petitioner not only sexually ravished the victim but he and his parents also abused the victim when she went to complain to his house and due to the act of the petitioner her marriage could not be fixed.

FIR as well as the statement of the victim shows that the petitioner on the assurance of marriage sexually exploited her. She has also stated in her statement that the petitioner committed rape upon her.

In these circumstances, I do not think it to be a fit case



for anticipatory bail. Accordingly, it is rejected.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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