

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16783 of 2022

Arising Out of PS. Case No.-86 Year-2021 Thana- MAHILA P.S. District- Madhubani

DR. ILIYAS @ MD. ILIYAS Son of Gamir Momin R/V- Pahara, P.S.-
Saharghat, Dist.- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sahida Khatoon, D/o- Md. Sabir, Resident of Saharghat, District-
Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Bhavesh Kumar Sah, Advocate
For the Opposite Party/s :	Mr.Shyam Kumar Singh, APP
	Mr, Gagan Deo Yadav, Advocate
	Mr. Udeshya Kumar Yadav, Vinod Kumar
	Mr Vinod Kumar, Advocate
	Mr. Ravi Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 16-01-2023 Heard learned counsel for the petitioner, Informant
and the State.

The petitioner apprehends his arrest in connection
with Mahila P.S. Case No. 86 of 2021 for the offence registered
under Sections 376, 420, 313 and 34 of the Indian Penal Code
and Section 4/6 of the POCSO Act.

As per the prosecution story, the minor girl alleged
that while she was preparing for matriculation examination, one
Md. Bahav Ansari used to reside near the tuition centre started
following her and on the pretext of marriage, forcibly made
physical relationship with her and when she got pregnant, she



was forced to abort and subsequently chose to look the other way on the proposal of marriage. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that he is not the person who made physical relationship rather the allegation against him is of facilitating her abortion. His further submission is that he is not a doctor and has wrongly been alleged as a doctor, who facilitated her abortion and in the aforesaid background, he deserves bail.

Learned counsel for the informant, on the other hand, submits that the petitioner was the person who claiming himself to be the Doctor had aborted the informant and further demanded Rs. 15,000/- which was sent by the petitioner which is part of the FIR. He as such, cannot exonerate himself from the allegation. The further submission is that even the mobile numbers have been incorporated (in the FIR) which has not been denied by the petitioner's side.

Taking into account the rival submissions, this Court does not deem it fit to extend the relief. Accordingly, the prayer for anticipatory bail stands rejected.

If, however, he surrenders within a period of four weeks from today and files his bail application along with the



supportive documents to show that neither he is a doctor nor he had any role to play in the alleged abortion, the Court shall consider the same and pass appropriate order at an earliest without being prejudiced by any of the observations made herein.

(Rajiv Roy, J)

Jagdish/Neha-

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