

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20821 of 2022

Arising Out of PS. Case No.-350 Year-2020 Thana- KESARIA District- East Champaran

FARKATULLAH @ MD. FARHATULLAH Son of Md. Alam Resident of
Village - Rampur Kondar, P.S.- Kesaria, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Md. Anisur Rahman, Advocate
For the Opposite Party/s :	Mr. Dilip Kumar No. 1, A.P.P.
:	Mr. Ajay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 06-01-2023 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State through virtual Court proceedings.

The petitioner seeks bail in a case registered for the offences punishable under Sections 366A, 506 and 341 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 11.01.2022, is a person with clean antecedent.

The informant alleges that his daughter on 29.08.2020, had gone to market with her friend Afsana Khatoon for purchasing clothes and sleepers from the market, it is next alleged that in the meantime, the petitioner along with unknown



accused came and forcefully kidnapped his daughter, thereafter, the friend of victim came and disclosed about the occurrence.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that petitioner is cousin-uncle of the victim but this fact has not been disclosed in the FIR rather an impression has been created as if, the victim was forcefully kidnapped by some accused persons, it is next submitted that the victim came back and her statement was recorded under Section 164 Cr.P.C. wherein she has alleged that this petitioner committed rape, it is next submitted that from perusal of her statement recorded under Section 164 Cr.P.C., it would manifest that she has also stated that she wants to marry the petitioner which is permissible also. Learned counsel next submits that since the victim wanted to marry the petitioner and the petitioner only a few days before the occurrence on 14.08.2020 had married Gul Aisha Khatoon, as such, the present false case came to be instituted, it is further submitted that even the injury report does not corroborate rape.

Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for bail of the petitioner and submits that the victim has supported the case in her statement recorded under Section 164 Cr.P.C.



The Court for the present is not inclined to release the petitioner on bail.

However, the petitioner would be at liberty to renew his prayer for bail after framing of charge.

(Satyavrat Verma, J)

GauravSinha/-

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