

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21265 of 2023

Arising Out of PS. Case No.-101 Year-2021 Thana- BHAIKAVSHTHAN District-
Madhubani

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KHUSH MOHAMMAD Son of Md. Akbar @ Md. Akbar Nadaf Resident of
Village - Bharah, P.S. and P.O - Phulparas, District - Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kalyan Shankar, Adv.
For the Opposite Party/s : Mr.Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 05-10-2023 Heard Mr. Kalyan Shankar, learned counsel for the
petitioners and Mr. Binod Kumar, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Bhairavasthan P.S. Case No. 101 of 2021 registered for the
offence under Sections 341, 323, 347, 376, 504/34 of the Indian
Penal Code.

The petitioner is alleged to have committed rape upon
the informant on the false pretext of marriage and made obscene
video of her intimate physical relation.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the allegation, as alleged in the F.I.R., is false and fabricated and
the petitioner has not committed any offence. He further submits



that on bare perusal of the F.I.R., it appears that the occurrence is alleged to have been committed on 04.05.2021 whereas the instant F.I.R. has been lodged on 25.08.2023 after three months without any explanation. He further submits that the petitioner and the victim was having love affairs and no such offence as alleged in the F.I.R. ever taken place and the medical report also does support the prosecution version.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the victim in her statement recorded under Section 164 Cr.P.C. has stated that she has been raped by the petitioner and he has made her obscene video through his mobile.

Considering the facts and circumstances of the case and nature of allegation supported by the statement of victim leading to establish a *prima facie* case against the petitioner, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, the prayer for grant of anticipatory bail to the petitioner is rejected.

(Rajesh Kumar Verma, J)

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