

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38022 of 2023**

Arising Out of PS. Case No.-3 Year-2023 Thana- MAHILA P.S. District- Madhubani

Kudartullah Ansari S/O Md. Ataullah @ Mohammad Ataullah R/O Vill.
Mahrail, PS. Rudrapur, Dist. Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad, Advocate
For the State : Mr. Shahabuddin Azeem @ S. Azeem, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 11-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 16.02.2023 in connection with Madhubani Mahila P.S. Case No. 03 of 2023, F.I.R. dated 16.02.2023 for the offences punishable under Sections 376, 323, 341, 504 and 506 of the Indian Penal Code.

3. Allegation against the petitioner is that he committed rape upon the victim (sister of the informant).

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present 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 as alleged in the F.I.R.



He further submits that the statement of the victim was recorded under Section 164 of Cr.P.C. in which she has not stated the time and the date of the occurrence and as per medical report, the victim was major.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 164 of Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her and medical report also confirms the same.

6. Considering the aforesaid facts that there is direct and specific allegation against the petitioner for committing the rape upon the victim supported by the 164 statement of the victim and Medical Report of the victim, I am not inclined to enlarge the petitioner on bail in connection with Madhubani Mahila P.S. Case No. 03 of 2023 pending in the Court of Chief Judicial Magistrate, Madhubani.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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