

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44217 of 2023

Arising Out of PS. Case No.-89 Year-2023 Thana- KOCHADHAMAN District- Kishanganj

Matin Akhter @ Matin Anshari, Son of Jahirul Haque Anshari, Resident of
Village- Bhagal PS- Kochadhaman, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ram Prawesh Kumar, Advocate
For the Opposite Party/s :	Mr.Ram Anurag Singh, APP
	Mr. Raj Kumar, Advocate
	Mr. Rajnish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Kochadhaman P.S. Case No. 89 of 2023, lodged on 30.03.2023
under Sections 341, 323, 504, 506, 420, 376,354/34 of the
Indian Penal Code and Section 4 of the Protection Of Children
From Sexual Offences Act, 2012.

3. As per the prosecution, the petitioner alleged to
have committed rape upon the victim. On protest being made,
he assured to perform marriage with her and on that pretext, he
established physical relationship with her several times.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits



that both the petitioner and the victim are in love affair and due to which relationship developed between them. The petitioner is in custody since 11.05.2023 having no criminal antecedent and the chargesheet has already been submitted.

5. Learned counsel for the State opposes the prayer for bail and submits that during medical examination the doctor has opined the age of the victim as 16 years which reflects from paragraph no. 29 of the case diary. He further submits that the victim has supported the allegation levelled in the FIR in 164 Cr. P.C. statement.

6. Learned counsel for the informant opposes the prayer for bail and submits that the allegation levelled in the FIR is true and allegation under Section 4 of the Protection Of Children From Sexual Offences Act, 2012 is there in the FIR.

7. Considering the fact that there is direction allegation against the petitioner of committing rape upon the victim; fully supported by the victim in 164 Cr. P.C. statement coupled with the fact that the doctor has opined the age of the victim as 16 years during medical examination, I am not inclined to grant regular bail to the petitioner.

8. Accordingly, the prayer for regular bail of the petitioner in connection with Kochadhaman P.S. Case No.89 of



2023, pending before the learned Additional Sessions Judge, 1st
-cum- Special Judge, Kishanganj is hereby rejected.

9. With this observation, the bail application stands
disposed of.

(Dr. Anshuman, J)

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