

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49087 of 2023

Arising Out of PS. Case No.-104 Year-2023 Thana- ROHTAS District- Rohtas

Ali Imam Idrisi Son Of Md. Halim Idrishi @ Halim Idrashi @ Md. Halim @
Mohammad Halim R/O-Akbarpur, P.S.-ROHTAS, Distt.-ROHTAS

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Md. Aslam Ansari

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 04-08-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned A.P.P for the State.

3. The petitioner has preferred this application for grant of regular bail in connection with Rohtas P.S. Case No. 104 of 2023 dated 27.04.2023 registered for the offences punishable u/s 354B and 376 of the Indian Penal Code and Sections 4 / 6 of the POCSO Act.

4. As per the prosecution case, the petitioner had been committing rape on the informant for four years forcibly and also made nude video and threatened to make it viral if she



denied to establish physical relation with the petitioner when the informant used to go to take private tuition.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. No such occurrence had taken place as alleged in the FIR. There was love affair between the petitioner and the victim. The petitioner denied to marry her. The victim did not raise any alarm during the said four years and the victim used to go for tuition to the petitioner. Learned counsel for the petitioner further submitted that the relationship between the petitioner and the victim was of consensual nature. It is further submitted that the victim could have left the tuition earlier when she found his behavior bad. As per para 9 of the bail petition, the doctor opined that it is very difficult to say that recent intercourse had taken place or not. There is no statutory compliance of Section 53A of the Cr.P.C. Learned counsel for the petitioner has placed reliance on the judgment in the case of **Sonu alias Subhas Kumar V. State of Uttar Pradesh & Anr** passed in **Cr. Appeal No. 233 of 2021 (Arising out of SLP (Crl.)No. 11218 of 2019)** . The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in



custody since 28.04.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that the victim is a minor girl.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Sasaram at Rohtas in connection with Rohtas P.S. Case No. 104 of 2023.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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