

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54563 of 2023

Arising Out of PS. Case No.-139 Year-2023 Thana- MEHSI District- East Champaran

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MAULANA JAMSHED ALAM @ JAMSHED ALAM SON OF BADRE
ALAM RESIDENT OF VILLAGE - CHAKNAGRI MITHANPURA
(BHIMALPUR), P.S. - MEHSI, DISTRICT - EAST CHAMPARAN

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR PATNA
2. GULSHAN KHATOON JAINUDDIN ANSARI MITHANPURA P S
MEHSI

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.S.K.Lal, Adv. Mr.Anang Mohan Sinha, Adv.
For the Opposite Party/s	:	Mr.Anand Kishore Choudhary, APP Mr.Vijay Shankar Shrivastava, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-12-2023 Heard learned counsel for the petitioner, learned counsel
for the O.P. No.2 and learned APP for the State.

2. Petitioner is apprehending his arrest in connection with
Mehsi P.S. Case No.139/2023, registered for the offence
punishable u/s 376 of the IPC and section 4 of POCSO Act.

3. Allegedly, the petitioner being a Government Teacher at
Madarsa took picture with the informant (a student) and on the
threat to viral the picture, committed rape upon her several
times in a span of 18 months.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence.



He has been falsely implicated in this case due to ulterior motive. No such occurrence in the manner as alleged has ever taken place. It is submitted that the present case is the counter blast of Mehsi P.S. Case No.114/2023, which was lodged against one Kalamuddin, with whom the informant had illicit relation and 18 months before the alleged occurrence, on 19.04.2023, said Kalamuddin, father of the informant and others attacked the petitioner and one Sabir Hussain outside the Mosque and tried to kill them. For that occurrence, Sabir Hussain lodged Mehsi P.S. Case No.114/2023. Thereafter, a panchayati was organized and all the matter between the parties were compromised and a Panchnama cum consent paper was prepared and both parties signed on the same but the father of the informant after the said compromise, got lodged the present case by the informant. Petitioner has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that the victim is a minor and her statement was recorded u/s 164 Cr.P.C., in which, she has supported the prosecution case.

6. Considering the aforesaid facts and circumstances and the statement of the victim, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on



his behalf is hereby rejected.

7. This application is accordingly dismissed.

8. However, petitioner is at liberty to surrender before the learned Court below within a period of six weeks and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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