

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59370 of 2022

Arising Out of PS. Case No.-230 Year-2020 Thana- SIDHWALIYA District- Gopalganj

AYOUB KHAN @ AYUB KHAN Son of Shagir Khan Resident of Village-
Bishunpura, Ward No-6, P.S.- Sidhwaliya, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh,Adv.

For the Opposite Party/s : Mr.Anil Prasad Singh,Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with POSCO Case No. 35 of 2020 arising out of Sidhwaliya P.S. Case No. 230 of 2020, registered for the offence punishable under Sections 376 of the Indian Penal Code.

The case of the prosecution, in brief, is that the petitioner used to establish physical relationship with the informant forcibly on the pretext of marriage and when she used to deny to do so, the petitioner used to administer her sweets mixed with intoxicant and then he used to



commit rape with her.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 10.08.2022. The learned counsel for the petitioner has further submitted that the present case is a glaring case of blackmailing on account of a pre-existing land dispute amongst the parties, hence, the petitioner has got no complicity in the alleged occurrence.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and gone through material on record as also have perused the impugned order dated 10.08.2022, from which it is apparent that the victim girl in her statement made under Section 164 CrPC before the learned Magistrate has corroborated the factum of the petitioner having raped her apart from the fact that the medical report also reveals that the victim girl is a minor



aged in between 16 to 17 years, hence, this Court finds that the petitioner is prima facie having complicity in the alleged occurrence, thus, I am not inclined to grant bail to the petitioner, hence, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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