

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 7199 of 2024

Arising Out of PS. Case No.-482 Year-2023 Thana- RAXAUL District- East Champaran

MD. IMRAN MIYAN S/O HASNAIN MIYAN R/O VILLAGE- NAUKA
TOLA WARD NO. 5, P.S- RAXAUL, DISTT.- EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari
For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Raxaul (Haraiya) P.S. Case No. 482 of 2023 registered on
27.10.2023 lodged under Sections 376(3) of the I.P.C. and 4/6 of
POCSO Act.

3. As per the prosecution case, F.I.R. has been lodged
against the petitioner that he has committed rape with the
informant by false introduction of his identity.

4. Counsel further submits that petitioner is innocent
and has committed no offence. He further submits that petitioner
is a taxi driver whereas informant is a social worker. The
petitioner is in custody since 28.10.2023 having no criminal
case pending against him.

5. Learned counsel for the State opposes the prayer



for bail and submits that allegation in the F.I.R. is that the petitioner has contacted with the informant on mobile, called her and developed physical relationship and thereafter disclosed his false identity that he is Hindu and unmarried. Subsequently, it came to the knowledge of the informant that his religion is not Hindu rather he was Muslim and married.

6. The statement under Section 164 of Cr.P.C., informant disclosed that petitioner has developed physical relationship on false identity and false promise of marriage and pretending her that he is resident of Nepal which enticed the informant. The said statement of the victim has been acknowledged by the Court rejecting the bail of the petitioner by the Sessions Court.

8. In the present facts and circumstances of this case, this Court is not inclined to grant bail to the petitioner.

9. Accordingly, his bail application stands rejected.

(Dr. Anshuman, J)

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