

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28028 of 2024

Arising Out of PS. Case No.-173 Year-2023 Thana- ABADPUR District- Katihar

Md Shahbaz S/o- Mahmood Alam R/o Vill- Madargachhi, P.S- Abadpur, Dist-
Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tasrifa Khatoon, W/o- Saheer R/o Vill- Madargachhi, P.S- Abadpur, Dist-
Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Md. Helal Ahmad, Advocate
For the State	:	Mr. Madan Kumar, APP
For Opposite Party No. 2:	:	Mr. Firoz Ahmad, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 10-07-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 376, 366A, 363 and 34 of the Indian Penal Code and Section 4 of the POCSO Act.

3. As per prosecution case, on the false pretext of marriage, this petitioner established physical relations with the daughter of the informant.

4. It is submitted by learned counsel appearing on behalf of the petitioner that the petitioner has falsely been implicated in this case only with a view to extort money. Petitioner claims clean antecedents.



5. On the other hand, learned APP for the State and learned counsel for the informant/Opposite Party No. 2 have vehemently opposed the prayer for grant of bail to the petitioner and submitted that the victim in her statement recorded under Section 164 Cr.P.C. has supported the prosecution case. Moreover, the medical report of the victim corroborates the allegation of rape committed upon her. It is further submitted that as per school certificate, the victim is aged only 14 years.

6. Considering the rival submissions, nature of accusation and statement of the victim recorded under Section 164 Cr.P.C., the prayer for grant of anticipatory bail to the petitioner is rejected.

(Prabhat Kumar Singh, J)

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