

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32065 of 2024**

Arising Out of PS. Case No.-67 Year-2024 Thana- AMARPUR District- Banka

Md Imtiyaz Md Iliyas VILLAGE DATWATI, P.S. AMARPUR, DISTT BANKA.

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. BIBI JUHI WIFE OF MD. SABIR VILLAGE- DATWATI, P.S.- AMARPUR, DIST- BANKA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 19-11-2024 Heard Mr. Ajay Mukherjee, learned counsel for the
petitioner and the State.

2. The petitioner is in judicial custody in connection with Amarpur P.S. Case No. 67 of 2024 for the offence punishable under Sections 376/354 (C) and 509 of the Indian Penal Code and section 67(a) of I.T. Act lodged on 29.01.2024 by the informant, Bibi Juhi.

3. As per the prosecution story, the informant alleged that in the evening, she was going to her house from Amarpur Bazar when the petitioner committed rape and took photographs.

4. Learned counsel for the petitioner submits that rape



followed by FIR clearly shows that she was consented party and further there is delay in lodging of the FIR inasmuch as, the occurrence is dated 27.11.2023 whereas the FIR was lodged on 29.01.2024. It is also not clear whether the photograph which has been made viral came from his mobile number.

5. Mr. Jitendra Kumar Singh, learned APP represent the State and he has taken this Court to the different photographs attached with the case diary to show how the petitioner tried to defame the lady who had moved to Delhi after the occurrence. He submits that immediately after the incident took place, a Panchayati held and the locals tried to pacify the matter whereafter, the lady left for Delhi. The petitioner even then did not stopped and started making the photographs viral which forced the lady to return from Delhi and lodge the FIR. Thus, the delay in lodging of the FIR has been clarified which stands incorporated in the case diary.

6. Having heard the parties and perusing the record as also the photographs which are the part of the case diary and the statement made by the victim lady/her mother-in-law clearly shows that immediately after the occurrence, a Panchayati took place which delayed the lodging of the FIR. The lady went to Delhi so that she remains away from the



petitioner. However,even then, he failed to stop himself and thereafter, started making the photos viral.

7. The FSL report has been received vide memo no. 2639 dated 04.11.2024 which shows that the petitioner’s mobile had the said photo in it.

8. In that background and considering the fact that has come on record, for the present, this Court is not inclined to extend him the privilege of bail which is accordingly rejected.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

