

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65657 of 2024

Arising Out of PS. Case No.-76 Year-2024 Thana- KHUTAUNA District- Madhubani

Kari Sahanwaj @ Kari Shahanwaj @ Md. Sahnwaj Son of Md. Nasim
Village- Sanpataha Ps- Laukahi Dist- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sabana Begam D/o- Sahmad Sah Village- Ekhattha Ps- Kghutauna Dist- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Adv.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 26-11-2024 Heard learned counsel for the petitioner, State and the informant.

2. The petitioner is in judicial custody in connection with Khutauna P.S. Case No. 76 of 2024 for the offences punishable under Sections 376, 506 and 34 of the Indian Penal Code and Section 4 and 6 of POCSO Act, lodged on 30.05.2024 by the informant, Sabana Begum.

3.As per the prosecution story, the informant alleged that she used to study in Madarsa, Hidautullah Islam where the petitioner is a teacher, he wanted the petitioner to satisfy him for good marks and upon refusal, it is alleged that after pressurizing her, he raped her and later asked Hafiz Kalimullah to transfer her from this Madarsa to one another Madarsa. Meanwhile, her health deteriorated due to forceful illegal relationship with the



petitioner, as she became seven months pregnant, had no option but to lodge FIR.

4. Learned counsel for the petitioner submits that the girl is major and as such, the relationship was consensual, the informant, on the other hand submits that at no point of time, the informant consented to the said physical relationship which as such shall be construed as rape. It is his further submission that the girl had made narration in 164 Cr.P.C statement in which she has detailed out how the petitioner physically assaulted her after putting cloth in her mouth.

5. Learned counsel for the informant also submitted that Hafiz Kalimullah who was associate of the petitioner, his bail application was rejected in Cr. Misc. No. 61336 of 2024.

6. This Court do not have any reason to take a separate view. The allegation is there against the petitioner, he being the teacher, exploited the girl, made her pregnant and left her in the lurch. In that background, no relief can be extended, the bail application stands rejected.

(Rajiv Roy, J)

Vijay Singh/-

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