

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83360 of 2024

Arising Out of PS. Case No.-203 Year-2024 Thana- BAISI District- Purnia

Md. Imtiyaz Ahmad @ Imtiyaz Ahmad S/O Abul Hasan @ Md Abul Hasan
R/O Village- Bansdol, P.S- Baisi, Distt.- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Hasirun Nisha D/O Hasib R/O Village- Nischitpur Ward No. 14, P.S-
Dalkola, Distt.- Uttar Dinazpur (W.B.).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 213-12-2024
1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioner in this application prays for bail
apprehending his arrest in connection with Baisi P.S. Case
no.203 of 2024 registered for the offence punishable under
sections 376, 341, 323, 504, 506, 406 and 34 of the Indian Penal
Code.

3. As per the prosecution case, the informant states
that the petitioner used to tease her on earlier occasions stating
that he was in love with her and wanted to marry her. On the
informant protesting the same, it is stated that the petitioner
used to say that he would kidnap her and marry her. The



informant finally states that the petitioner committed rape on her and forcibly got her to swear a false affidavit in Court. She was taken from one place to the other under the promise that on return, he would marry her. On finally disclosing about the occurrence, it is stated that they went to his parents place who assured that the matter would be settled and to wait for sometime. Thus the delay. It is further stated that on the informant along with her father and others going to the house of the petitioner on 8.7.2024, they were abused, her father assaulted and threatened. As such the case was being registered.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. From the contents of the FIR itself, it would be evident that the informant is a major aged 18 years and the relationship between the parties was consensual. It is for this reason that there is an unexplained delay of six months in lodging of the FIR. In the facts of the case, no case under section 376 of the Indian Penal Code is made out. The petitioner who has no criminal antecedent and undertakes to cooperate in the investigation.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that there is direct



allegation of the petitioner having committed rape on the informant and the same has been supported not only by the witnesses in course of investigation as would be evident from the order of the learned trial Court but also by the victim herself in her statement under section 164 Cr.P.C. recorded in paragraph no.34 of the case diary.

6. Having heard learned counsel for the parties and taking into consideration the allegation of rape against the petitioner together with the same having been supported by the witnesses as also the victim in her statement under section 164 Cr.P.C., the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

7. The petitioner is directed to surrender in the learned Court below within a period of four weeks.

(Partha Sarthy, J)

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