

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44193 of 2015

Arising Out of PS.Case No. -104 Year- 2015 Thana -BAKHRI District- BEGUSARAI

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Kashi Jaya @ Md. Kashif Jaya S/o Md. Tanveer Ahmad resident of Village
- Hareba Simri Bakhtiyarpur, P.S. - Salkhua Bazar, District - Saharsa, at
present residing at Mohanpur Masjid, PS - Bakhri, Distt. - Begusarai.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ranjeet Kumar Singh

For the Opposite Party : Mr. Shyam Bihari Singh(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-12-2015 Heard the counsel for the petitioner and counsel for the

State.

The petitioner is languishing in jail since 02.05.2015 in
a case instituted under Sections 363, 365 and 376 of the Indian
Penal Code and also POCSO Act in connection with POCSO case
No.48 of 2015 arising out of Bakhri P.S.Case No.104 of 2015
pending in the Court of Ist Additional Sessions Judge-I-cum-
Special Judge, Begusarai.

As per prosecution case, the fifteen years old daughter
of the informant, namely, Raziya Khatoon was missing. In the
next day morning, she was being inquired but not found. The
informant suspected that some bodies have kidnapped her.

It has been submitted on behalf of the petitioner that

the petitioner is in custody since 02.05.2015. Chargesheet has been submitted in the case. Petitioner has got no criminal antecedent. Petitioner has falsely been implicated in the present case due to mistake of fact. There is no allegation of tampering of evidence against the petitioner. Petitioner is the Imam of the *Masjid* and he has been implicated due to village politics.

From perusal of para-30 of the case diary, it appears that the doctor has found no sign of rape upon the victim girl.

On behalf of the State, it has been submitted that the petitioner is not named in the FIR. Petitioner has been named by the victim girl in her statement made under Section 164 Cr.P.C. There is direct allegation of commission of rape against this petitioner by the victim girl.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the above named petitioner, the same is rejected at this stage.

(Sudhir Singh, J)

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