

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9126 of 2016

Arising Out of PS.Case No. -28 Year- 2015 Thana -MAHILA PS District- KATIHAR

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1. Md. Kalim Son of Late Sk. Wahab Resident of Hachalpur Parria, P.O.
Parreli P.S. Kadwa, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Zainul Abedin (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 17-05-2016 Heard the learned counsel for the petitioner as well as

the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 376, 341 and 323/34 of the I.P.C and
section 4 of the POCSO Act.

Allegedly, the petitioner forcibly committed rape with
the complainant-informant in November, 2014 and thereafter the
petitioner promised to marry with her and on that assurance started
developing sexual relation with her resulting she became pregnant
and thereafter on 30.05.2015 she was assaulted by other co-
accused on her abdomen to abort her resulting bleeding from her
private part. However, she was saved and on 31.05.2015
Panchayati was held but the petitioner and other co-accused

refused to marry.

Submission is of false implication and that the victim girl is a major one, in the medical report she has been found aged 18-19 years, the petitioner from his earning has purchased the land and the father of the informant also wanted to purchase that land and for that this false case has been lodged, the wife of the petitioner has lodged informatory petition before the Chief Judicial Magistrate on 20.05.2015 and as such the petitioner deserves sympathetic consideration, to which the learned A.P.P. seriously opposes by submitting that the victim has been found having pregnancy of seven months by the doctor and earlier the petitioner committed rape forcibly and as such the petitioner does not deserve bail.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, at present I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Mahila P.S. Case No. 28 of 2015 pending in the court of the Special Judge, Katihar.

(Jitendra Mohan Sharma, J)

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