

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4040 of 2016

Arising Out of PS.Case No. -17 Year- 2015 Thana -SC/ST District- BHAGALPUR

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Md. Ibran @ Ibran Seikh, S/o- Md. Mofil Seikh, Resident of Village-
Jahangirpur Baisi, P.O & P.S. Rangra (Gopalpur) District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarita Bajaj, Advocate

For the Opposite Party/s : Mr. Ambika Bhagat(App)

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

3 28-03-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with SC/ST Naugachia P.S. Case No. 17 of 2015 registered for the offences punishable under Sections 376(D), 376(2)(i) of the Indian Penal Code, Section 4/6 of the Protection of Children from Sexual Offences Act and Section 3(2)(v) of the SC & ST Act.

Allegedly the petitioner and co-accused Md. Manjur took away Dulari Kumari, aged 14 years, daughter of the informant after closing her mouth, in the field of Manejara crop and both committed rape with her.

Submission is of false implication and that due to land dispute the petitioner has been implicated, as the petitioner and co-

accused are *Bataidar* of the land adjacent to the land of the informant, the informant was having evil eyes upon the said land and for that he has been implicated in false case, medical report does not support the prosecution version and, as such, the petitioner deserves sympathetic consideration, to which the learned A.P.P. seriously opposes by submitting that the victim girl in her statement recorded under Section 164 Cr.P.C. has supported the allegation of rape and she is minor.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner , serious in nature, this Court is not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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