

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49485 of 2015

Arising Out of PS.Case No. -79 Year- 2015 Thana -BRAHMPURA District- MUZAFFARPUR

1. Md. Akbar Son of Md. Saleem Resident of Mohalla - Gaffar Hasti
Harjrat Ali Lane Hrahampura, P.S.- Hrahampura, District - Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Opposite Party/s : Mr. Smt. Anita Kumari(App)

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

3 03-02-2016 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 (G) and 34 of the I.P.C and sections
4, 8, 12, 17 and 18 of the POCSO Act.

Allegedly, the petitioner forcibly brought the minor
informant in a bush of the railway colony and in the way other co-
accused Saddam Hussain and Md. Arif also met along with two
unknown and co-accused Arif and Saddam caught her hand and
the petitioner opened her *Salbar* but on the request of the victim
Saddam and Arif went away from there and the petitioner raped
the informant and further two friends of the petitioner also
committed rape with the informant.

Submission is of false implication and that the FIR has been lodged after three days of the occurrence, due to dispute of government land the petitioner has been implicated, there is variation in her statement recorded under section 164 Cr.P.C. from her earlier statement as recorded in the fardbeyan, co-accused Md. Arif has been allowed bail vide Cr. Misc. No. 29463 of 2015 and as such the petitioner also deserves sympathetic consideration, to which the learned A.P.P. opposes by submitting that Md. Arif @ Bablu has not raped the informant, whereas, the petitioner has raped her.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, heinous in nature, this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Brahampura P.S. Case No. 79 of 2015 pending in the court of 1st Additional Sessions Judge- Cum- Special Judge POCSO, Muzaffarpur.

(Jitendra Mohan Sharma, J)

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