

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26984 of 2017

Arising Out of PS.Case No. -21 Year- 2017 Thana -MAHILA P.S. District- MUZAFFARPUR

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1. Md. Shami Ahmad, Son of Late Md. Islam, resident of Village- Bangari,
P.S.- Piar, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Surendra Prasad Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 04-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 07.04.2017 in
connection with Mahila P.S. Case No. 21/2017 for offences
punishable under Sections 376/511 of the Indian Penal Code and
under Sections 4, 8, 18 of the POCSO Act.

The prosecution case, as lodged by the victim girl, aged
about 15 years, is that her father had turned away his mother and
has married another woman. She along with her younger sister and
brother lived with her father but her father tried to commit rape on
her many times.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal antecedent and that



his minor daughter has been instigated by his first wife and her maternal grandmother to falsely implicate the petitioner in the aforesaid case. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned APP for the State vehemently opposes the prayer for bail stating therein that the victim girl is a minor of 15 years and in her statement under Section 164 Cr.P.C. she has supported the prosecution case that such act has been tried to be committed by the victim's father.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Mahila P.S. Case No. 21/2017, pending in the court of learned Special Judge, POCSO Act, Muzaffarpur.

Application is, accordingly, rejected.

(Nilu Agrawal, J)

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