

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2217 of 2017

Arising Out of PS.Case No. -4 Year- 2016 Thana -KUSHESHWARSTHAN District-
DARBHANGA

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Md. Israfil, Son of Md. Liyakit, Resident of village - Goda, P.S.- Kusehwar
Asthan, District - Darbhanga

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shama Sinha, Advocate

For the Opposite Party : Mr. Kalyan Shankar (APP)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 16-02-2017 Heard learned counsel for the petitioner and the

State.

The petitioner seeks bail in a case instituted for the
offence under Sections 342 and 376 of the Indian Penal Code and
Section 4 of POCSO Act.

It is alleged in the written report that petitioner
committed rape with ten years old daughter of the informant.

The learned A.P.P. has submitted that victim girl in
her statement before the police in para-8 of the case diary and in
her statement under Section 164 of Cr.P.C. have supported the
case and levelled specific allegation against this petitioner of
committing rape with her. The independent witnesses in para-6, 7,
9, 10 of the case diary have also supported the case as an eye-



witnesses. The victim girl was medically examined and doctor has found her age between 11 to 12 years. Since, there is serious allegation against the petitioner of committing rape with minor girl aged about 12 years, this court is not inclined to grant petitioner regular bail.

Accordingly, bail petition of the petitioner is hereby rejected in connection with Kuseswar Asthan P.S. Case No. 04 of 2016.

Petitioner is granted liberty to renew his prayer for bail after six months, if no substantive progress is made in the trial.

(Sanjay Priya, J.)

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