

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31228 of 2018

Arising Out of PS.Case No. -32 Year- 2017 Thana -MAHILA P.S. District- KISANGANJ

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Md. Sohail @ Sohel S/o Badruddin, R/o village- Jalabasti, Sitalpur, P.S.-
Paharkatta, District- Kishanganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha

For the Opposite Party/s Mr. Satyendra Narayan Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 09-07-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Special
Case No. 22 of 2017 arising out of Kishanganj Mahila P. S. Case
No. 32 of 2017 registered for the offences punishable under
sections 341, 346 of the Indian Penal Code and sections 4 and 6 of
the POCSO Act.

The allegation, as per FIR, is that when the victim was
going to attend her coaching class, this petitioner intercepted,
threw her cycle, dragged her towards field and committed rape on
her. This petitioner also made the victim unconscious by pressing
her throat and escaped from there. The victim was identified by
some villagers who got her reached to coaching institute. On



information the informant brought his daughter to his house and learnt about the occurrence. The informant with the help of villagers caught-hold of this petitioner, who confessed his complicity in the above crime.

It has been submitted that the petitioner is a neighbour of the informant and he has been falsely implicated in the present case with frivolous allegation. The petitioner is in custody since 17.09.2017 having clean antecedent and so he deserves to be enlarged on bail.

On perusal of FIR and the statement of witnesses in case diary, I find that there is specific allegation that the petitioner committed rape on victim. The victim was produced before the Medical Board where the Board has assessed her age in between 9-12 years. The doctor has found mark of violence around ½ cm lacerated or right side of vulva near the hymen. The victim in her statement under section 164 Cr.P.C. has also supported the allegation of rape by this petitioner, who confessed his guilt in presence of villagers.

Considering the nature of allegation, I am not inclined to grant bail to the petitioner. His bail prayer stands rejected.

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(Sanjay Kumar, J)

