

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30202 of 2018

Arising Out of PS.Case No. -116 Year- 2017 Thana -PIPRAKOTHI District-
EASTCHAMPARAN(MOTIHARI)

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Shahabuddin Alam son of Basir Miyan @ Md. Basir Miyan resident of
Village- Chand Saraiya, P.S. Piprakothi, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Sri Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 05-07-2018 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Piprakothi P.S. Case No.116 of 2017 registered for the offences
punishable under Sections 376 and 506 of the Indian Penal Code
and Section 4 of the POCSO Act.

The informant is mother of the victim girl. It is alleged
that on 16.06.2017 this petitioner called the daughter of the
informant for some help and after locking his door committed
rape on her. This petitioner had given threat to the victim not to
disclose about the occurrence otherwise she would be killed.

It has been submitted that the petitioner and the
informant are residents of same village and prior to this
occurrence, this petitioner had also filed a criminal case against



the cousin of informant on 15.03.2015 bearing Piprakothi P.S. Case No.26 of 2015. Besides that the aunt of victim had lodged case against this petitioner on 18.10.2016 bearing Piprakothi P.S. Case No.159 of 2016. The victim was produced before the doctor who has not found any spermatozoa in the vaginal swab. The petitioner is in custody since 28.07.2017 and so he deserves bail.

The learned counsel for the informant as well as learned A.P.P. for the State opposed the submission.

From perusal of F.I.R., it appears that there is specific allegation that this petitioner committed rape on the minor daughter of informant who is aged about 14 years. The victim in her statement given under Section 164 of Cr.P.C. has supported the allegation of committing rape on her by this petitioner. The doctor has assessed her age in between 14-15 year as per paragraph 27 of case-diary.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer of bail is, accordingly, rejected.

The court below is directed to expedite the trial.

(Sanjay Kumar, J)

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