

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57146 of 2018

Arising Out of PS.Case No. -30 Year- 2018 Thana -MAHILA P.S. District- BANKA

=====

Md. Dukhan son of Md. Jamal resident of village - Minat Nagar Milki,
Gaura, P.S. Dhoraiya, District - Banka.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 25-10-2018

Heard learned counsel for the petitioner.

Petitioner prays for bail in connection with Banka
(Mahila) P.S.Case No. 30 of 2018, corresponding to G.R.No. 1798
of 2018, registered for the offences punishable under Sections
365/34 and later on Sections 376D of the Indian Penal Code and
4/6 of POCSO Act.

Allegation against the petitioner is of committing rape
upon minor daughter of the informant and when the informant
went to complain she was also assaulted.

Submission of learned counsel for the petitioner is that
the victim girl is a consenting party and there is allegation that
earlier also she was subjected to rape.

Heard learned APP also, who has opposed the prayer for



bail on the ground that in her statement under Section 164 Cr.P.C. she has stated about commission of rape by the petitioner.

Having heard both sides and in view of allegation, I am not inclined to grant bail to the petitioner.

This application is dismissed.

(Vinod Kumar Sinha, J)

spa/-

U		T	
---	--	---	--

