

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1782 of 2019

Arising Out of PS. Case No.-53 Year-2018 Thana- MAHILA P.S. District- Bhagalpur

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Gulfaraj @ Gulfaraj (Hafij) @ Md. Gulfaraj, S/o Late Enamulla @ Md. Mohibullah, Resident of Village- Khilafat Nagar Shahjangi, P.S.- Habibpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 07-03-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Petitioner is in custody since 24.09.2018 in connection with Mahila P.S. Case No.53 of 2018 registered for the offence under Section 376(3) of the Indian Penal Code and Section 4 of the POCSO Act.

Learned counsel for the petitioner submits that actually the prosecution party had engineered and kidnapped the petitioner and subsequently, he was recovered. It is further stated that Annexure-2 clearly reveals that the petitioner himself was badly banged up by the prosecution party and a false allegation of having raped the minor child of the informant of the present case has been made out only to save their own skin. Learned counsel further submits that the entire prosecution case



as made out against the petitioner is false and fabricated and therefore he may be extended the privilege of bail.

Diary in the present case was called for, which has since been received.

Learned counsel appearing for the State after perusal of the case diary submits that the case has been found to be true and victim girl in her statement made under Section 164 Cr.P.C. has categorically stated that the petitioner was responsible for having committed sexual offence and had also threatened her with dire consequences but later on, when he tried to call her again for the same purpose, she informed her mother and subsequently, the case was filed. Learned counsel for the State further submits that the medical examination also reports that there was some interference which had caused the victim child with some injury on her private parts.

Considering the paramount evidence available in the case diary, I am not inclined to grant regular bail to the petitioner. It is, accordingly, rejected.

(Anjana Mishra, J)

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