

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77706 of 2019**

Arising Out of PS. Case No.-79 Year-2019 Thana- THAKURGANJ District- Kishanganj

MD. NAZIR @ NAZIR HUSSAIN Son of Late Hakimuddin Resident of
Village - Mukhiya Tola, P.S.- Thakurganj, Distt - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Najmul Hodda

For the Opposite Party/s : Mr. Umeshanand Pandit

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 03-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Thakurganj P.S. Case No. 79 of 2019, registered for the offence punishable under section 376 of the Indian Penal Code and section 4 of the POCSO Act.

As per allegation made in the F.I.R., while the parents of the informant-victim girl were out of the house, it is stated that the petitioner committed rape on her.

It is submitted by learned counsel for the petitioner that there is unexplained delay of three days in lodging of the FIR. False allegations were made only for the reason that they wanted to pressurize the petitioner to enter into marriage and on



his refusal, he has been falsely implicated in this case. It is further submitted that taking into account the error in estimation of age of the girl by the doctor, it can be stated that alleged victim was a major. Petitioner has no criminal antecedent.

The application for bail is opposed by learned APP for the State who submits that not only the witnesses have supported the case of prosecution but also the victim girl herself has fully supported the prosecution case in her statement recorded under section 161 Cr.P.C. and also under section 164 Cr.P.C.. It is further stated that the victim is a minor, which would be evident from perusal of the medical report.

Having heard learned counsel for the parties and taking into consideration the fact that there is direct allegation against the petitioner in the FIR, this Court is not inclined to grant bail to him and, as such, his application for bail is rejected.

(Partha Sarthy, J)

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