

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 18992 of 2020**

Arising Out of PS. Case No.-50 Year-2019 Thana- MAHILA P.S. District- Nawada

MD SALMAN S/o Md Yaso @ Mohammad Jaseem R/o Village- Afjal Nagar,
P.S.- Bundel Khand, Distt- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Anil Kumar, Advocate

For the Opposite Party/s : Ms Anita Kumari Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 09-06-2020 The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard Mr Anil Kumar, learned counsel for the petitioner as well as Ms Anita Kumari Singh, learned APP for the State.

Petitioner seeks bail in Mahila Police Station (for brevity, *PS*) Case No 50 of 2019 instituted for the offence punishable under Section 376D of Indian Penal Code and Sections 6/10 of Prevention of Children from Sexual Offences



Act.

Petitioner is accused for taking away the informant's daughter at gun point along with another co-accused for rape.

Petitioner's counsel submits that the prosecution case in the first informant report and statement of the victim recorded under Section 164 of Criminal Procedure Code (for brevity, Cr P C) are at variance. It is submitted that it is a case of false implication and that the petitioner has committed no offence.

The learned APP for the State opposed the prayer for bail. It is submitted that from perusal of the statement of victim recorded under Section 164 of Cr P C, it is apparent that she has specifically stated about rape being committed by the accused persons.

Considering the rival submissions and the nature of allegations, this Court, for the present, is not inclined to allow petitioner's prayer for bail. The same is rejected.

(Madhuresh Prasad, J)

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