

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23802 of 2020

Arising Out of PS. Case No.-120 Year-2019 Thana- KIUL District- Lakhisarai

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NAUSHAD MIYAN @ MD. NOUSAD S/O Late Nikhar Miyan Resident of
Village - Goddih, P.S. - Kiul, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ravi Shankar Sahay, Mr. Randhir Kumar No.1, Advocates
For the Opposite Party/s :		Mr. Md. Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 10-11-2020 Heard Mr. Ravi Shankar Sahay, learned counsel for

the petitioner and Mr. Md. Sufyan, Additional Public Prosecutor

for the state through video conferencing.

2. Petitioner seeks regular bail in connection with

Kiul PS Case No. 120/2019 registered for the offence

punishable under Sections 342, 376, 511 of the Indian Penal

Code and Section 8 of the POCSO Act.

3. The allegation against the petitioner, as per First

Information Report, is that in the night on 29.12.2019, when the

informant with his family had gone to attend a function leaving

her eight years old daughter alone, the petitioner entered into the

house of informant and taking benefit of the situation, took

away the victim, a minor girl to the bank of the river and



stripped her clothe and tried to commit rape but due to alarm raised by the victim, the petitioner fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and both the parties are close door neighbours. Learned counsel further submits that age of the victim girl was assessed by the doctor as 12 years whereas in the first informant report, the age of the girl has been declared as eight years. Learned counsel also submits that there is land dispute between the parties. However, both the parties have arrived at compromise which would be evident from Annexure-2.

5. On the other hand, learned counsel for the State referring to the statement of the victim girl, submits that the victim girl has supported the prosecution story and has clearly stated that petitioner, in order to commit rape, had stripped her clothe and touched her naked body.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that victim is a minor girl, I am not inclined to grant regular bail to the petitioner at this stage. Accordingly, the prayer for bail of the petitioner is, hereby, rejected.



7. Petitioner, if so advised, may renew his prayer for bail after nine months from today, if the trial does not show any progress.

(Anil Kumar Sinha, J)

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