

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24425 of 2020**

Arising Out of PS. Case No.-65 Year-2019 Thana- MAHILA P.S. District- Muzaffarpur

MD. AZAD Son of Md. Jabbar @ Mohammad Jabbar Resident of Village -  
Sekhpura, P.S.- Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

|                      |   |                                  |
|----------------------|---|----------------------------------|
| For the Petitioner/s | : | Mr. Nachiketa Jha, Advocate      |
| For the informant    | : | Mr. Raju Kumar Goswami, Advocate |
| For the State        | : | Md. Mushtaque Alam, A.P.P.       |

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

4      02-12-2020                      Heard Mr. Nachiketa Jha, learned counsel for the petitioner, Mr. Raju Goswami, learned counsel for the informant and Md. Mushtaque Alam, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Mahila (Muzaffarpur) P.S. Case No. 65 of 2019 registered for the offences punishable under Sections 376, 323, 341 of the Indian Penal Code 1860 and Section 4/6 of POCSO Act.

The allegation against the petitioner is that he committed rape upon four years old daughter of the informant.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to family



dispute. Learned counsel further submits that petitioner is maternal uncle (*Mama*) of the victim girl and allegation against the petitioner is not probable. Learned counsel further submits that petitioner is in custody since 27.12.2019.

On the other hand, learned counsel for the State as well as the informant vehemently opposed the prayer for bail and submit that the victim girl, who is about four years of age, has supported the allegation against the petitioner in her statement recorded under Section 164 Cr. P.C. and during course of investigation, all the witnesses have supported the allegation against the petitioner as the blood was oozing out from private part of the victim.

Having heard learned counsel for the parties and taking into consideration the materials on record, I am not inclined to grant regular bail to the petitioner.

Accordingly, the prayer for bail of the petitioner stands rejected.

**(Anil Kumar Sinha, J)**

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