

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24125 of 2020

Arising Out of PS. Case No.-191 Year-2019 Thana- AAJAM NAGAR District- Katihar

MD. RABBUL, Son of Late Rustam @ Late Rustam Ali, Resident of Village
- Maradangi Tikkar, P.S. Azam Nagar, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 09-11-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 376 of the Indian Penal Code
and Section 4 of POCSO Act.

Allegation against the petitioner is of committing rape
with her minor daughter.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. The petitioner is in jail custody since 30.07.2019 and has
clean antecedent which is mentioned in para 3 of the bail
petition.

Learned APP for the State opposes the prayer for bail
petition and submits that the statement u/s 164 Cr.P.C. of the



informant has supported the prosecution case. The petitioner is the father and there is allegation against the petitioner is that he has committed rape with her own daughter.

I have perused the case diary and record, the case diary witnesses have also supported the prosecution case and all the witnesses have supported the prosecution. The medical report has not supported the prosecution.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected in connection with Azam Nagar P.S. Case No. 191 of 2019 pending in the Court of learned A.D.J.-1st cum Special Judge, Katihar.

Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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