

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23838 of 2020

Arising Out of PS. Case No.-53 Year-2019 Thana- MAHILA PS District- Darbhanga

Md. Atif S/o Abu Zafar, Resident of Village-Nari, P.S.-Ghanshayampur,
District-Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Shahnawaz Ali

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 05-12-2020 Heard Mr. Md. Shahnawaz Ali, learned counsel for
the petitioner and Mr. Mritunjay Kumar Nirala, learned counsel
for the State through Video Conferencing.

In this case, the petitioner is seeking regular bail in
connection with Mahila P.S. Case No. 53 of 2019 registered for
offence punishable under section 376 of the Indian Penal Code
and section 4/6 of the POCSO Act.

In the present case, allegation has been made by the
father of victim girl that the present petitioner has committed
sexual assault upon her. The girl has been examined, she has
narrated the entire story in what manner the present petitioner
has tied her mouth as well as hand, opened inner garment,
committed sexual assault and after tiding her body for certain
period she became unconscious and when she regain conscious



she was put to sexual assault and thereafter she was left, she came to her house and narrated the entire story of the incident.

Learned counsel for the petitioner submits that the doctor does not support the factum of commission of rape, as no injury has been found in her private part. He further submits that the petitioner has remained in jail since 19.07.2019.

Looking to the statement which the girl herself has made in what manner commission of crime has been done with her, this Court is not inclined to grant bail to the petitioner for the present and accordingly his prayer for bail is rejected. However, the court below is directed to conclude the trial within nine months from the date when the normal court proceeding would start.

(Shivaji Pandey, J)

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