

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 2106 of 2020**

Arising Out of PS. Case No.-124 Year-2019 Thana- BIHARIGANJ District- Madhepura

MD. KAUSAR @ MD. KAISHAR S/o Md. Riaz @ Md. Riyazuddin R/o
village- Hathiondha Raintola, P.S.- Bihariganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Amit Kumar Rakesh

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4. 28-05-2020 Heard learned counsel for the parties through video conferencing.

This relates to grant of bail in Bihariganj P.S. Case No. 124 of 2019, G.R. No. 493 of 2019, registered for the offence under Sections 376/34 of the Indian Penal Code.

As per First Information Report, it is alleged that on 18-14-2019 at 12:00 mid night, one Mukesh Kumar alongwith petitioner forcibly took away the daughter of the informant in his Alto car and thereafter, both committed rape with his daughter.

It is submitted on behalf of petitioner that petitioner is innocent and has falsely been implicated in this case. It is further submitted that F.I.R. has been lodged after lapse of four days and there is no explanation for this. It is submitted that



petitioner has got clean antecedent and there is contradiction in the F.I.R. and in statement recorded under Section 164 of the Cr.P.C. of the victim girl.

However, counsel for the State submits that in statement recorded under Section 164 Cr.P.C. of the victim, there is specific allegation against the petitioner of committing rape.

Considering the aforesaid facts and circumstances as well as statement recorded under Section 164 Cr.P.C. of the victim, I am no inclined to grant bail to the petitioner.

The bail application stands dismissed.

(Prabhat Kumar Singh, J.)

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