

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12471 of 2021**

Arising Out of PS. Case No.-354 Year-2020 Thana- GHORASAHAN District- East
Champaran

SK. SAIDULLAH @ MD. SHAIDULLAH S/o Sekh Islam R/o village-
Nagarwa Tola Bagaha, P.S.- Ghorasahan, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M/s Krishna Prasad Singh, Sr. Advcoate
Anil Kumar, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

5 02-09-2021 Heard learned counsel for the parties through video
conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under section 376 of the Indian Penal Code and section 4 of the POCSO Act.

As per allegations in the FIR, lodged by the 14 year old minor informant, the petitioner committed rape on her as a result of which she is in the family way.

It is submitted by learned senior counsel appearing for the petitioner that the petitioner has been falsely implicated in the case. He is an old man aged about 50 years. There is an unexplained delay of about seven months in lodging of the FIR which makes the allegations doubtful. The allegations as also her statement under section 164 Cr.P.C. are tutored given at the instance of her parents



who are on inimical terms with the petitioner in the village politics. It is submitted that a supplementary affidavit is filed stating therein that the petitioner has given an application to the Officer-in-charge as also in the learned Court below stating therein that he is ready for DNA test which would show that he is not concerned with the pregnancy of the informant. The petitioner is in custody since 5.9.2020 and has no criminal antecedent. Investigation in the case has concluded.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the allegations as levelled against the petitioner by the 14 year old informant which has been supported by her statement under section 164 Cr.P.C., the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

It goes without saying that any application/petition filed by the petitioner in the learned Court below will be dealt with in accordance with law.

(Partha Sarthy, J)

Spd/-

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