

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15457 of 2021**

Arising Out of PS. Case No.-38 Year-2020 Thana- MAHILA P.S. District- Bhojpur

SAJID AHMAD @ SAJID ALAM S/O MARUF AHMAD @ MD. MAROOF
ALAM R/O VILLAGE, PS- AJIMABAD, DISTRICT BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma
For the Opposite Party/s : Mr.Umesh Lal Verma, APP

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

2 02-07-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Bhojpur Mahila P.S. Case
No. 38 of 2020 corresponding to POCSO Case No. 40 of 2020,
registered for the offence punishable under Sections
376(d)/506/34 of the Indian Penal Code and section 6 of the
POCSO Act.

As per the prosecution case, this petitioner along with
co-accused Minhaz Ahmad committed rape upon the minor
daughter of informant.

It is submitted on behalf of the petitioner that due to



dispute between the parties over sewerage, petitioner has falsely been implicated in this case. Medical report does not support the prosecution case as no sign of sexual intercourse was found and the age of victim girl has been found between 16 to 17 years. Petitioner is in custody since 03.06.2020 having no criminal antecedent.

Learned APP however, vehemently opposed the prayer for bail and submitted that there is specific and direct allegation against the petitioner and other that they committed gang rape and the victim has supported the prosecution case in her statement under Section 164 Cr.P.C and the Date of Birth has been stated as 24.05.2005 which clearly goes to show on the date of occurrence, the victim girl was minor.

Considering the facts aforesaid and the gravity of offence, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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