

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.17589 of 2021**

Arising Out of PS. Case No.-35 Year-2020 Thana- MAHILA P.S. District- Araria

NADEEM USMANI @ MD NADEEM USMANI @ NADIM USMANI  
SON OF MD. NAJEER ALAM @ NAJEER ALAM R/O VILLAGE  
MIYANPUR, WARD NO.06, P.S.- PALASI, DISTRICT- ARARIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Anil Prasad Singh, Adv.

For the Opposite Party/s : Mr. Nityanand Tiwary, APP

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

3      30-09-2021

Heard learned counsel for the parties.

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

As per the prosecution case, the petitioner is stated to have committed rape on the minor informant.

It is submitted by learned counsel for the petitioner that from reading of the allegations in the F.I.R., it would transpire that the allegations levelled therein against the petitioner are false and concocted. There was love affair between them. For this reason, she states that subsequently the petitioner refused to marry her. It is further submitted that the



medical report does not support the allegations levelled in the F.I.R. The statements made under section 164 Cr.P.C. are not consistent with the allegations made in the F.I.R. It is lastly submitted that from perusal of the medical report, it would transpire that the informant is a major. The petitioner is in custody since 29.8.2020 and chargesheet has been submitted in the case.

The prayer for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the allegation of rape against the petitioner in the F.I.R. which is supported by the victim in her statement under section 164 Cr.P.C., the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

**(Partha Sarthy, J)**

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