

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26263 of 2021

Arising Out of PS. Case No.-1 Year-2021 Thana- MAHILA P.S. District- Muzaffarpur

MD. IZHAR Son of Md. Wahid @ Wahid Sah Resident of Village- Sadpura,
P.S.- Sakra, District- Muzaffarpur.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Shovendra Kumar, Advocate.
For the State	:	Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 09-12-2021 The applicant/accused in Crime No.01 of 2021 registered with Police Station-Muzaffarpur Mahila for the offences punishable under Sections 341, 342, 376(D) read with Section 34 of the Indian Penal Code as well as under Sections 4/6 of the POCSO Act, by this application is seeking his release on bail.

Heard learned counsel appearing for the applicant/accused. He submits that the statement of the applicant given to the police is to the effect that the victim is his girl friend. It is further argued that medical examination of the victim shows ruptured hymen that can be caused also by bicycling. Therefore, the applicant is entitled to bail.

Learned Prosecutor opposed the application.

The first informant is the minor female child who happens to be the victim of the crime in question. The F.I.R. was lodged



on the basis of her statement. She reported to the police that on 04.01.2021, when she was going for attending the coaching classes, she was kidnapped by five accused persons. She further alleged that she was subjected to gang rape by all of them. She has named the applicant as one of the accused who had committed rape on her. Age of the victim is stated to be only 15 years. Allegations are in respect of gang rape.

No case for grant of bail to the applicant is made out. Application is, therefore, rejected.

(A. M. Badar, J)

P.S./-

U		T	
---	--	---	--

