

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19148 of 2020

Arising Out of PS. Case No.-50 Year-2019 Thana- MAHILA P.S. District- Nawada

MD. FUZWA @ MD. MAHFOOZ ALAM Son of Md. Jamal Resident of
Village - Takiyapar, P.S.- Bundel Khand, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.
For the Opposite Party/s : Mr. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 22-10-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred the instant application for grant of regular bail in a case registered under section 376B of the Indian Penal Code and sections 6 and 10 of the POCSO Act.

As per the prosecution case, the petitioner is stated to have kidnapped the minor daughter of the informant and of having committed rape on her.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The doctor did not find any sign of rape in the medical examination of the alleged victim whose age was estimated to be 14-16 ½ years. There is a contradiction in the statements in the F.I.R. and the statement under section 164 Cr.P.C. of the victim. The



petitioner who has no criminal antecedent is in custody since 18.1.2019.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the direct allegation against the petitioner of having committed rape on the minor daughter of the informant which is supported by the statement under section 164 Cr.P.C. of the minor victim, 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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