

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34780 of 2021

Arising Out of PS. Case No.-407 Year-2020 Thana- PURNEA SADAR District- Purnia

Mithu Alam @ Md Intakhab Alam @ Intakhab Alam Son Of Md. Shamshul Haque Resident Of Village - Pokhariya Birpur P.S. Sadar (Muffasil), District - Purnea.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ram Prawesh Kumar
For the informant	:	Mr. Md. Fazle Karim
For the Opposite Party/s	:	Mr.Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 21-10-2021 Heard learned counsel for the petitioner and learned A.P.P for the State.

The petitioner seeks bail in Sadar (Muffasil) P.S. Case No. 407 of 2020 (POCSO Case No. 84 of 2020), registered for the offence punishable under Section 376 and other allied sections of the Indian Penal Code.

As per the prosecution case, this petitioner is alleged to have committed rape upon the victim.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case. There is contradiction between 161 statement of statement under Section 164 Cr.P.C. The Doctor has not found any sign of rape and no external or internal injury has been found on the person of



informant and her age has been assessed as 16 to 17 years.
Petitioner is in custody since 19.01.2021 having no criminal
antecedent.

Learned APP however, vehemently opposed the
prayer for bail and submitted that informant has supported the
prosecution case in her statement under Section 164 Cr.P.C.

In view of statement of informant under Section 164
Cr.P.C, 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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