

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38311 of 2021

In
CRIMINAL MISCELLANEOUS No.22744 of 2020

Arising Out of PS. Case No.-77 Year-2019 Thana- BAUSI District- Purnia

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MD RAHMAT @ RAHMAT ALAM Son of Md. Bahaw @ Abdul Wahab @
Md. Wahab Resident of Bairia Tola, P.S. - Baisi, Distt. - Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md Fazle Karim
For the Opposite Party/s : Mr. Bipin Kumar
Mr. Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 03-11-2021 Heard learned counsel for the petitioner, the State and
the informant.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 376, 506, 34 of the Indian
Penal Code and u/s 4 of the POCSO Act.

As per the prosecution case, this petitioner entered
into the house of informant and forcibly committed rape with
her.

Learned counsel appearing for the petitioner submits
that petitioner is innocent and has falsely been implicated in the
case. Petitioner is next door neighbour of the informant and
entire prosecution case is false and concocted. The medical



report does not support the prosecution case as no sign of rape was found by the doctor. Petitioner claims clean antecedent and is in custody since 10.01.2020 and investigation in this case is complete.

Learned counsel appearing for the State and the informant opposed the prayer for bail and submitted that there is specific and direct allegation against this petitioner that he committed rape with the informant. The doctor assessed the age of victim to be 17 years and the victim in her statement u/s 164 of the Cr. P. C. fully supported the prosecution case.

Considering the nature of accusation and gravity of the offence, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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