

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40555 of 2021

Arising Out of PS. Case No.-113 Year-2020 Thana- MAHILA P.S. District- Araria

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Ibrahim Son of Sukuradi @ Sukardi Resident of Village- Mauraha (Bhorha),
P.S.- Teragachh, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr.Tarun Prasad Mandal

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 14-12-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Spl. (POCSO) Case No. 44 of 2020, arising out of Mahila P.S. Case No. 113 of 2020, registered for the offence under Sections 376(3), 406, 341, 323/34 of the Indian Penal Code and Section 6 of the POCSO Act.

As per the F.I.R., this petitioner established physical relation with the victim on the pretext of marriage resulting in 30 (thirty) weeks pregnancy of the victim.

It is submitted on behalf of petitioner that the alleged occurrence took place eight months back i.e. prior to lodging of the F.I.R. and there is no explanation as to why there is delay in lodging F.I.R. It is further submitted that only with a view to blackmail the petitioner, a false and concocted case has been lodged against this petitioner. The doctor has assessed the age of



the victim between 17-18 years and no evidence of sexual assault over the body of the victim was found. The petitioner is in custody since 17.02.2021.

However, learned A.P.P. for the State vehemently opposed the bail petition and submitted that there is specific allegation against the petitioner of committing rape with the victim resulting in thirty weeks pregnancy of the victim girl, which fact has also been supported by the victim in her statement recorded under Section 164 Cr.P.C.

Considering the nature and gravity of the offence as well as statement of the victim recorded under Section 164 of the Cr.P.C., I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J.)

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