

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34445 of 2020

Arising Out of PS. Case No.-205 Year-2020 Thana- PIPRA District- Supaul

MD. ANSARUL S/o Md. Alimuddin R/o village- Bathnaha, P.S.- Pipra,
District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Murari Narain Chaudhary, Adv.
For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 25-02-2021 Heard both sides.

The petitioner seeks bail in POCSO Case No.40 of 2020 arising out of Pipra P.S. Case No.205 of 2020 registered under Section 376 of the Indian Penal Code and Section 4 of the POCSO Act.

The informant, mother of the victim, alleged that in the previous night, the petitioner entered into her house and committed rape with her minor daughter. When the victim raised alarm, family members of the informant and neighbours came and caught the petitioner and handed over him to the police.

The learned counsel for the petitioner submits that one Jannat Khatoon filed Pipra P.S. Case No.165 of 2020 alleging that on 14.06.2020 Sachin Mandal committed rape with her minor daughter. It is further submitted that Alimuddin, the father of the petitioner, lodged Pipra P.S. Case No.208 of 2020 on 04.08.2020 alleging therein that Umesh Mandal and others called his son and assaulted him and thereafter handed over him



to the police. It is further submitted that victim made her statement under Section 164 Cr.P.C. and she disclosed that her mother was not present at her house on that night. She was sleeping with her minor sister. The doctor also did not find any sign of rape and doctor also assessed the age of the victim to be 18-19 years and this fact falsifies the allegation of rape against the petitioner but it appears from the records that informant made allegation that it was petitioner who entered into the house and committed rape with her minor daughter. The victim in her statement recorded under Section 164 Cr.P.C. disclosed that she was studying in Class 10 and on the basis of the entry with regard to the date of birth in school register, she is a minor. The victim made specific allegation that it was petitioner who committed rape with her and while he was fleeing away, the villagers caught him and handed over him to the police. There is minor contradiction in the statement of the victim.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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