

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9541 of 2021

Arising Out of PS. Case No.-20 Year-2020 Thana- MAHILA PS District- Darbhanga

Md. Saddam S/o Late Md. Shoaib R/o Village- Narayanpur, P.S.- Manigachhi,
District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Razia Parween D/o Asraf Ali R/o Village- Narayanpur, P.S.- Manigachi,
District- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Shahnawaz Ali

For the Opposite Party/s : Mr.Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 13-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Mahila P.S. Case No. 20
of 2020, registered for the offence punishable under Section 376
of the Indian Penal Code and section 4/6 of the POCSO Act.

As per the prosecution case, on 03.03.2020 at about
12.00 pm while the informant went to attend the call of nature,
this petitioner took her away into an orchard and committed
rape upon her.

It is submitted on behalf of the petitioner that



petitioner has falsely been implicated in this case due to land dispute relating to path between the parties. Informant is not minor rather she is major aged about 19 years. The doctor has not found any sign of rape and no external or internal injury has been found and during course of investigation none of the witnesses have supported the prosecution case. Petitioner is in custody since 11.05.2020 having no criminal antecedent.

Learned APP however, vehemently opposed the prayer for bail and submitted that the age of victim has been found to be 14-15 years by the doctor and informant in her statement under Section 164 Cr.P.C has supported the prosecution version.

Considering the facts aforesaid and the statement of victim girl 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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