

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4347 of 2021

Arising Out of PS. Case No.-196 Year-2019 Thana- MOKAMAH District- Patna

Md. Irfan @ Md. Irfan Ali aged about 18 years (Male) Son of Ahmad Mian @
Ahamad Shah Resident of Village- Mekra Dih, P.S. Mokama, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Najeeb Ahmad

For the Opposite Party/s : Mr.Sunil Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 21-06-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Mokama P.S. Case No. 196 of 2019 (Special Case No. 164 of 2019), registered for the offence under Sections 363, 367 of the Indian Penal Code, Section 5(a)(b) of Immoral Traffic Act and Sections 4, 6 & 8 of POCSO Act.

As per the prosecution case, on 21.08.2019, the minor daughter of the informant was kidnapped and later on, on 22.08.2019, this petitioner alongwith the victim was apprehended by the villagers.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case. Petitioner has denied the allegation levelled against him and submitted that there is



love-affairs between them. It is further submitted that victim was medically examined and despite allegation of forcibly intercourse, the doctor has not found any sign of rape. Petitioner is in custody since 23.08.2019.

However, learned A.P.P. for the State has opposed the bail petition and submitted that there is specific allegation against the petitioner of kidnapping the minor daughter of informant and thereafter, committing rape with her. The age of the victim was also assessed to be below 18 years and petitioner was apprehended by the villagers on spot alongwith the victim girl.

Considering the nature of allegation and specific allegation against this petitioner, I am not inclined to grant him bail. Accordingly, the bail petition of petitioner stands rejected.

(Prabhat Kumar Singh, J.)

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