

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40642 of 2020

Arising Out of PS. Case No.-203 Year-2019 Thana- PURAINI District- Madhepura

Mohaammad Sallauddin @ Md. Salauddin Son of Md. Sukmu Marhum
Resident of Village- Auray P.S.- Puraini, District- Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance

For the Petitioner : Mr. Dr. Sanjay Kumar Singh, Advocate
For the Opposite Party : Mr. Umesha Nand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-02-2021 Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail in Puraini Police Station Case No. 203 of 2019 registered for the offences punishable under sections 376, 511 and section 506 of the Indian Penal Code and section 8 of the POCSO Act.

As per the prosecution case, on 1.12.2019 at 5 pm petitioner caught hold of 11 years old daughter of the informant, took her to the house, closed mouth by cloth and committed rape on her.

Learned counsel for the petitioner submits that the petitioner and the informant are co-villager and petitioner has been implicated in this case due to village politics. FIR has been lodged after two days delay without explanation and medical report does not corroborate the prosecution case and the victim



is of 17 years. Petitioner has got clean antecedent as stated in paragraph 3 of the bail petition. Petitioner is in custody since 22.2.2020.

Learned counsel for the State opposes the prayer for bail and submits that the victim in her section 164 Cr.P.C. statement has alleged that the petitioner committed rape on her.

In view of the specific allegation against the petitioner, his prayer for bail is refused.

(Prabhat Kumar Singh, J)

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