

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.141 of 2021**

Arising Out of PS. Case No.-90 Year-2020 Thana- PUPRI District- Sitamarhi

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AFRUDDIN ANSARI @ SHAHID AFRIDI son of ASHRAF ANSARI @
Mohammd Ashraf @ Ashraf R/o PUPRI, WARD NO. 15, P. S. PUPRI,
District-Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 27-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Pupri P.S. Case No. 90 of 2020 registered for

the offences punishable under Section 376 of the Indian Penal

Code and Section 4/6 of the Protection of Children from Sexual

Offences (POCSO) Act.

Learned counsel for the petitioner submits that as per

the prosecution story the alleged occurrence in which the

petitioner is said to have committed rape on the victim girl took

place on 14.04.2020 but the present F.I.R. has been lodged on 19.04.2020. Learned counsel further submits that in fact the victim girl is major and her statement under Section 164 Cr.P.C. varies with the written report.

On the other hand, learned A.P.P. for the State has opposed the prayer for bail of the petitioner. It is submitted that the victim girl is aged about 17 years, the delay of five days in lodging of the F.I.R. would not be of much significance in this case because in the medical examination report the pregnancy test of the victim girl has been found positive which suggest some sort of physical relationship established by the petitioner, though the complete test on this has yet not come.

Considering the facts and circumstances of the case, the seriousness of the allegation, the victim girl being minor and then the medical examination report suggesting a positive report of pregnancy, this Court is not inclined to release the petitioner on bail. Prayer for bail is thus refused. Let the trial be expedited.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.