

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5038 of 2021

Arising Out of PS. Case No.-60 Year-2020 Thana- BARHARA KOTHI District- Purnia

Md Mahboob Son of Majhar @ Md. Majhar @ Majhar Ali, Resident of
Village Murballa,P.S. Barhara Kothi, Distt. Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 05-04-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Spl. (POCSO) Case No. 23 of 2020 (arising out of Barhara P.S. Case No. 60 of 2020), registered for the offence under Section 376 of the Indian Penal Code and Section 4 of the POCSO Act.

As per the prosecution case, this petitioner is alleged to have committed rape upon the informant, while she was boiling milk in her house.

It is submitted on behalf of petitioner that no such occurrence has taken place. In fact, there was love affairs between the petitioner and the informant, but since the marriage could not be settled, the petitioner has been falsely implicated in this case.

On the other hand, learned A.P.P. for the State



vehemently opposed the bail application and submitted that the victim (informant) has supported the prosecution case in her statement recorded under Section 164 of the Cr.P.C. The doctor has also examined the victim and found the hymen ruptured and assessed the age of the victim between 18-19 years.

Considering the nature and gravity of the offence and statement of the victim recorded under Section 164 Cr.P.C., I am not inclined to grant bail to the petitioner and same is, accordingly, rejected. However, learned trial court is directed to conclude the trial as expeditiously as possible.

(Prabhat Kumar Singh, J.)

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