

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8589 of 2021

Arising Out of PS. Case No.-76 Year-2020 Thana- AAJAM NAGAR District- Katihar

Md. Manglu Son of Sadiq Resident of Village- Siktiya, P.S.- Ajamnagar,
District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Chandra Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 17-08-2021 Heard the parties in virtual Court proceeding.

The petitioner is languishing in custody for the offences punishable under Sections 376/120B of the Indian Penal Code and Sections 4 and 17 of the POCSO Act.

According to FIR, the petitioner and co-accused Md. Naswar Alam allegedly forcefully lifted to the informant, who is a minor girl, and on the point of gun she was taken to the house where a Home theater was played, at the pitch of the sound, co-accused Md. Naswar allegedly committed rape against her whole night.

In her statement under Section 164 Cr.P.C. the victim supported what she had stated in the FIR. However, she has not named the rapist but she specifically stated that the petitioner and Naswar had forcefully kidnapped her. Evidently, the matter is of gang



rape. Therefore, only for the reason that co-accused Md. Naswar has been allowed bail by a coordinate Bench of this Court, the petitioner cannot be allowed bail.

Considering the nature of allegation against the petitioner, I am not inclined to enlarge him on bail in connection with Ajamnagar P.S. Case No.76 of 2020. Hence, prayer for bail is refused. The trial-court is directed to expedite the trial.

(Birendra Kumar, J)

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