

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8123 of 2021

Arising Out of PS. Case No.-7 Year-2020 Thana- MAHILA PS District- Katihar

MD. SADIK @ SARIK S/O HABIBUR RAHMAN RESIDENT OF
VILLAGE CHITOURIA , POLICE STATION MANSAHI, DISTRICT
KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar
For the Informant : Mr. Ajit Kumar Singh
For the Opposite Party/s : Mr.Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-05-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P for the State.

The petitioner seeks bail in Mahila P.S. Case No. 7 of
2020, registered for the offence punishable under Sections 376,
504, 506, 323, 354(B)/34 of the Indian Penal Code and section 4
of the POCSO Act.

As per the prosecution case, this petitioner is alleged
to have subjected informant aged about 15 years to repeated
sexual intercourse on false promise of marriage resulting in
pregnancy.



It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case. No such occurrence has ever taken place. The entire allegation is false and baseless. In fact, informant's father has taken loan of Rs. 20,000/- from this petitioner and he assured the petitioner that he will return the said amount within three months. After three months, when the petitioner demanded his money, this false case has been lodged. The doctor examined the informant and assessed her age about 19 years and there was no external injury and did not find her carrying pregnancy. Petitioner is in custody since 06.02.2020 having no criminal antecedent.

Counsel for the informant however, vehemently opposed the prayer for bail and submitted that victim (informant) in her statement under Section 164 Cr.P.C. supported the prosecution version.

Considering the facts aforesaid and the heinous nature of allegation and gravity of offence, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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