

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8441 of 2022

Arising Out of PS. Case No.-153 Year-2021 Thana- RAGHOPUR District- Supaul

MD ASHIF @ MD AASHIPH S/o Ismail @ Ismail Ansari Resident of
Village- Sakhua, P.S.- Pipra, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gopal Kumar Jha
For the Opposite Party/s	:	Mr. Syed Mojibur Rahman
For the Informant	:	Mr. Kamal Kishore Adv.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 27-07-2022 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

The petitioner has preferred this application for grant of regular bail in a case registered under Sections 363, 366A read with 34 and 376(3) read with 34 of the Indian Penal Code and Section 4 and 6 of the POCSO Act.

As per the prosecution case, the petitioner and co-accused persons are alleged to have kidnapped the daughter of the informant forcefully when the daughter of the informant had gone to buy biscuits from a nearby shop.



Learned counsel for the petitioner has submitted that the petitioner is innocent and he has falsely been implicated in this case. The petitioner has clean antecedent as stated at para 3 of the bail petition. There was love affair between the victim and the petitioner. The petitioner is in custody since 18.06.2021.

Learned A.P.P. for the State as well as learned counsel for the informant has opposed the bail petition of the petitioner by submitting that there is specific allegation against the petitioner of sexually assaulting the victim. It is further submitted that victim in her statement recorded under Section 164 of Cr.P.C has categorically stated that she was forcefully kidnapped and brutally raped by the petitioner. As per the medical board, the age of the victim is in between 14 to 16 years.

Considering the aforesaid facts and circumstances as well as the specific allegation against the petitioner, I am not inclined to enlarge the petitioner above named, on bail.

Learned trial Court is directed to expedite the trial and conclude the same preferably within nine months.

The bail application is rejected.

(Chandra Prakash Singh, J)

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