

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9894 of 2022**

Arising Out of PS. Case No.-355 Year-2020 Thana- KAJI MUHAMMADPUR District-  
Muzaffarpur

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SAHIL Son of Md. Javed Resident of Village - Maripur Kasai Tola, P.s.- Kazi  
Mohammadpur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar, Advocate  
For the Opposite Party/s : Dr. Indihar Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      15-11-2022                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period  
  
of four weeks from today.

The petitioner seeks bail in connection with Kazi  
  
Mohammadpur (KMP) P.S. Case No. 355 of 2020 registered for  
  
the offence under Sections 363 and 366(A) of the Indian Penal  
  
Code.

The accused/petitioner is named in the F.I.R. and is in  
  
custody since 10.01.2021.

The allegation against the petitioner is to kidnap and  
  
commit rape/penetrative sexual assault upon niece of the  
  
informant, after administering intoxicating substance, while she



was returning from school after performing a dance in farewell party.

Learned counsel appearing on behalf of the petitioner submitted that allegation against petitioner is false, as victim went on her own sweet will along with petitioner as they were in friendly terms / love affairs. It is submitted that from medical report, it cannot be gathered that rape/penetrative sexual assault was committed upon. Learned counsel for the petitioner further pointed out that statement under Section 164 of the Cr.P.C. was recorded after recovery of victim, who was with her parents for two days, as such, tutoring by parents cannot be ruled out. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, submitted that victim specifically alleged against this petitioner to commit rape/penetrative sexual assault upon her, through, statement recorded under Section 164 of the Cr.P.C. It is also submitted that victim was brutally assaulted by taking her in captivity for long 24 days, where rape/penetrative sexual assault was committed regularly upon her, which is well corroborated



with injury as found in medical examination.

In view of the submissions, as made above, as victim specifically alleged against this petitioner to commit rape/penetrative sexual assault upon her, which is duly supported through her statement recorded under Section 164 of the Cr.P.C., in the background of the injuries, which were found upon the neck, knee, elbow and private parts of the victim, this Court is not inclined to grant bail to the petitioner, at present.

Accordingly, the prayer of bail of the petitioner is rejected herewith.

Learned Trial Court/Special Court is directed to proceed with the matter, by taking it on board, on day-to-day basis, so as trial may conclude within specified time as prescribed under Section 35 (2) of the POCSO Act, 2012.

S.S.P., Muzaffarpur, is directed to produced the charge-sheeted witnesses, as and when directed by the learned Trial Court/Special Court, for expeditious disposal of trial, within specified time, provided under law, as mentioned above.

**(Chandra Shekhar Jha, J)**

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