

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11929 of 2022**

Arising Out of PS. Case No.-86 Year-2021 Thana- SHANKARPUR District- Madhepura

Md. Samim Son Of Md. Farid @ Md. Pharid, R/O Village- Ward No.-12,
Raybhir Khap Tola, P.S.- Shankarpur, District- Mdhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER**

4 02-09-2022 Let the defects, as pointed out by the Office, be
removed within a period of two weeks from today.

Heard learned counsel for the petitioner and learned
APP for the state as well as learned counsel for the informant.

Petitioner seeks regular bail in connection with
Shankarpur P.S. Case No. 86 of 2021 lodged under Sections
376/34 of the Indian Penal Code read with Section 12 of
POCSO Act.

As per the F.I.R., the allegation of rape by the two
named accused persons including the petitioner is there in the
F.I.R. Such allegation has been fully supported during
investigation as well as in the deposition.

Learned counsel for the petitioner submits that
petitioner is in custody since 19.06.2021, charge has already

been framed in this case and he has having clean antecedent. He further submits that due to previous enmity, the name of the petitioner was taken by the informant in the present case.

Learned counsel for the State opposes the prayer for bail and submits that there is direct allegation in the F.I.R. supported by the investigating witness and also in the statement under Section 164 of Cr.P.C.

Learned counsel for the informant submits that there were in total 8 charge sheet witnesses and all were examined. The statement of the accused under Section 313 of Cr.P.C. has taken place on 25.07.2022 and only defence witness on behalf of the accused persons have to be examined, if they want to do so and there is absolutely no delay in this case from the prosecution side.

In the present facts and circumstances of the case and the submissions made above, I am not inclined to grant bail to the petitioner and therefore, his bail petition is hereby rejected.

(Dr. Anshuman, J.)

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