

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31026 of 2021**

Arising Out of PS. Case No.-54 Year-2020 Thana- MAHILA P.S. District- Kishanganj

MD. ALI Son of Setabul Rahman Resident of Village - Khari Basti, P.S.-
Kishanganj, District - Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 03-01-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 376 and other sections of the Indian Penal Code and section 4 of the POCSO Act.

As per the prosecution case, the petitioner is stated to have committed rape on the daughter of the informant.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. No such occurrence as alleged has taken place. There is an inordinate delay in lodging of the FIR and all the family members have been falsely implicated in the FIR. The age of the daughter of the informant has been assessed between 16-18 years and the petitioner is in custody since 2.11.2020. It is



further submitted that the allegations in the FIR has not been supported in the medical report.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the direct allegation against the petitioner in the FIR, together with the contents of the order of the learned court below wherein the learned court has observed that the victim has supported the allegation against the petitioner in her statement under section 164 Cr.P.C., the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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