

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28146 of 2022

Arising Out of PS. Case No.-183 Year-2021 Thana- BHAGWANPUR District- Begusarai

SALAUDDIN @ CHHOTU SON OF MD. ALIM R/O VILLAGE- CHATRI
TOL, P.S.- BHAGWANPUR, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Alok, Advocate
		Mr. Arjun Prasad, Advocate
For the Opposite Party/s	:	Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-09-2022 Heard learned counsel for the petitioner and learned

APP for the State through video conferencing in view of the

COVID 19.

Let the defect(s), if any, as pointed out by the office be
removed within four weeks.

The petitioner is in judicial custody in connection with
POCSO Case No. 58 of 2021 arising out of Bhagwanpur (Teyai) P.S.
Case No. 183 of 2021 for the offences under Sections 376 of the
Indian Penal Code and section 4/6 of the POCSO Act.

As per the FIR, the petitioner herein established physical
relationship with the informant, Anguri Khatoon which resulted into
pregnancy and it is alleged that despite the fact that she was pregnant
of 26 weeks, the petitioner once again on 29.08.2021 attempted to
rape her. She anyhow saved herself with the help of local villagers
and as the petitioner chose to look the other way on the point of
marriage, this FIR was lodged.



Learned counsel for the petitioner submits that he has submitted a petition before the learned Trial Court for D.N.A. Test of the child to establish the relationship which is presently pending. He as such submits that unless it is established whether the child belongs to him, he should be given the benefit of doubt.

Per contra, learned APP representing the State submits that there is direct allegation of rape against him and despite the fact that she was pregnant of 26 weeks once again, on 29.08.2021 he forcibly lifted the lady from her home and tried to rape her and in that background, he does not deserve bail.

Considering the aforesaid facts, there is direct allegation of rape against the petitioner herein and which he even attempted when the minor girl was pregnant, this Court is not inclined to give any relief to the petitioner.

Accordingly, the bail application is rejected.

(Rajiv Roy, J)

Jagdish/Neha-

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