

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37676 of 2021**

Arising Out of PS. Case No.-4 Year-2021 Thana- KRITYANAND NAGAR District- Purnia

MD. SHAFIR @ MD. SHARIF Son of Imamuddin Resident of Village- Barki
Bari, P.S.- K. Nagar, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Adv. Mr. Ram Prawesh Kumar
For the Opposite Party/s	:	Mr. Ajay Kumar Jha

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

3 07-04-2022 Heard learned Senior Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Special (POCSO) Case No. 02 of 2021, arising out of K. Nagar Police Station Case No. 04 of 2021, registered for the offences punishable under Sections 323/376/420/427 of the Indian Penal Code and Section 4 (1) (2) of the Prevention of Children from Sexual Offences Act, 2012.

The allegation against the petitioner, as per the complaint -cum- First Information Report, is that he committed rape upon the complainant/informant, who was aged about 14 years at the time of occurrence.

Learned Senior Counsel for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch



as as per the complaint -cum- First Information Report, the occurrence has taken place on 16.01.2020 and the complaint was presented before the learned Magistrate in the month of March, 2020, which was forwarded to the Station House Officer, K. Hat Police Station, for registration of First Information Report, under Section 156 (3) of the Code of Criminal Procedure, 1973 and the formal First Information Report was lodged on 05.01.2021. He further submits that in the First Information Report, the age of the complainant/ informant has been disclosed as 14 years; whereas in the medical examination, the doctor has assessed her age between 16 and 17 years. He further submits that a panchayati was held between the parties and the fact of the matter is that the family members of the informant were pressurizing the petitioner and his family members to solemnize the marriage of the petitioner with the informant and when the petitioner and his family members did not agree, the present complaint -cum- First Information Report has been lodged. He, referring to Annexure-2, submits that on the same date, i.e. on 12.03.2020, the father of the petitioner has also lodged a complaint, regarding the pressure being put upon the family members of the petitioner to solemnize the marriage of the petitioner with the informant. He further submits that the



petitioner is in custody since 04.03.2021.

On the other hand, learned Additional Public Prosecutor submits that the statement of the complainant/informant was recorded under Section 164 of the Code of Criminal Procedure, 1973 and from perusal of the same, it appears that on the point of knife, the petitioner has committed rape upon the complainant/informant on the alleged date of occurrence.

Regards being had to the submissions advanced on behalf of the parties and taking into consideration the statement made in the First Information Report and her statement recorded under Section 164 of the Code of Criminal Procedure, 1973, I am not inclined to grant regular bail to the petitioner, at this stage.

This application is, accordingly, dismissed.

However, the petitioner may renew his prayer for bail after one year from today, if the trial does not show any progress.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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