

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29377 of 2022**

Arising Out of PS. Case No.-4 Year-2022 Thana- GORIAKOTHI District- Siwan

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KALAM MANSORI @ KALAM MANSURI Son of Zamadar Mansuri @  
Jamadar Miyan Resident of Village - Jagarnathpur, P.S. - Goreakothi, District  
- Siwan, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Prashant Kumar, Adv.

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      01-09-2022                      Heard learned counsel for the petitioner and the  
  
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for  
the offence under Sections 376 of the Indian Penal Code and  
Section 4 and 6 of the POCSO Act.

The petitioner is said to have committed rape upon  
a minor informant.

Learned counsel appearing for the petitioner  
submits that the petitioner, who is of clean antecedent, is  
innocent and has falsely been implicated in this case. He  
further submits that no occurrence as alleged in the F.I.R. has  
ever taken place. There is no eye witness to the alleged  
occurrence and the entire allegation is cooked up. He further



submits that the medical report reveals that no recent sexual activity is found on the person of the victim. He further submits that the petitioner is rotting in judicial custody since 12.01.2022 just because of his false implication.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submitted that there is direct allegation of commission of rape against the petitioner. The victim, who is minor, in her statement recorded under Section 164 Cr.P.C. has categorically stated that the petitioner has committed rape upon her while she was in her house and the doctor, who examined the victim, has assessed her age between 16-18 years and also opined that rape has been committed on the person of the victim. It has further been submitted that the medical report clearly supports the allegation leveled in the F.I.R. against the petitioner. He further submits that the F.S.L. report also suggest that blood mixed semen has been detected in the old dirty torn pink leggings of the victim girl. Therefore, the petitioner does not deserve to be enlarged on bail.

Considering the facts and circumstances of the case and the rival submission of the parties and also the age of the victim, who is minor, this Court is not inclined to grant



the privilege of bail to the petitioner. Accordingly, the prayer  
for bail of this petitioner is rejected.

However, the learned trial court is directed to  
expedite the trial.

**(Rajesh Kumar Verma, J)**

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