

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45592 of 2021**

Arising Out of PS. Case No.-48 Year-2021 Thana- MAHILA P.S. District- Muzaffarpur

MD. JASIM S/o- Late Md. Ayub Resident of Village - Sujawalpur, P.S. - Sakra, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

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

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

4 22-03-2022 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 341, 342, 323, 504, 376, 349 of the Indian Penal Code and Section 4/6 of the POSCO Act.

The petitioner is said to have attempted to establish physical relation with the daughter of the 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 taken place. He further submits that the petitioner is an old man of 65 years and he has not committed any overt act



with the victim rather he has been made a victim of circumstance only. He also submits that out of six witnesses, only three have been examined till date. The petitioner is rotting in judicial custody since 07.05.2021.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner on the basis of material available in the case diary and submits that there is direct allegation of attempting rape upon the victim against the petitioner. The victim, who is minor, in her statement recorded under Section 164 Cr.PC. has supported the allegation leveled in the F.I.R. not only that the medical report also corroborates the allegation against the petitioner. Hence, the petitioner may not 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.

(Rajesh Kumar Verma, J)

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