

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36127 of 2022

Arising Out of PS. Case No.-229 Year-2018 Thana- BELDOUR District- Khagaria

Md. Anjam @ Ajam @MD. Ajam Son Of Late Md. Abbas R/O- Vill- Kainjri
Ward No.-2, P.S.- Beldaur, Dist.-KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Adv.

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 20-12-2022 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Beldaur P.S. Case No. 229 of 2018 lodged under Sections
376/34 of the I.P.C. and Sections 3/4 of POCSO, Act.

As per the prosecution case, the present case is the
result of 156 (3) of the Cr.P.C. in which the date of occurrence is
24.11.2018 and F.I.R. has been lodged on 20.12.2018 with
allegation that the petitioner has committed rape with the
complainant/informant along with the help of another co-
accused.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 24.02.2022 having clean antecedent. Charge sheet has already been framed in this case and case is going on at stage of defence. Learned counsel for the petitioner submits that petitioner is father of 2 sons and 4 daughters, all residing together. He submits that petitioner was a victim of threat of local criminal in the year 2016 and in this regard, he has already filed *Sanha* no. 66 of 2016 dated 23.02.2016 before the S.D.M. in which there was a threat to his family members about outraging the modesty of his daughter and also about his implication in the false case, which is annexed in annexure-2 in the present case. Learned counsel for the petitioner submits that POCSO Act shall not attract in this case at all, due to the reason that the in the medical report the age of the rape victim was found to be 22 years.

Learned counsel for the State opposes the prayer for bail and submits that it is true that present case is a complaint case and filed with a delay but in her statement made under Section 164 of Cr.P.C. the alleged victim has fully supported her narration as made in the complaint/F.I.R. Learned counsel for the State submits that charge has been framed in this case and case is at the stage of evidence.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner, therefore, his bail application is **rejected**.

Liberty is hereby granted to the petitioner that he may renew his prayer for bail **6 months** from today.

Trial Court is directed to expedite the trial as earliest as possible.

(Dr. Anshuman, J.)

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