

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38951 of 2022

Arising Out of PS. Case No.-116 Year-2022 Thana- NAWADA MUFFASIL District- Nawada

HAFIR @ KILLA Son of Hasim @ Jaggu @ Hasim Miyan Resident of
village- Sahpur, P.S.- Muffasil, Distt.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and the

learned APP for the State through virtual mode in view of

COVID-19.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Muffasil P.S. Case No.116/2022 instituted under Section
376 of the I.P.C. and Section 4 of POCSO Act.

As per the FIR, the informant has alleged that her
daughter had gone to eat ‘Golgappa’ but failed to return and was
later found in an unconscious state. Upon regaining
consciousness, she informed that the petitioner had intoxicated
her and committed rape. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that the
case is not what has been unfolded in the FIR and the petitioner



has unnecessarily been dragged in the matter.

Learned APP on the other hand submits that there is direct charge of rape against the petitioner. More than that, the further allegation is that the victim girl was intoxicated before she was raped and in the aforesaid circumstance, he does not deserve bail.

Taking into account what has unfolded in the FIR, this Court for the present is not inclined to grant any relief to him and the bail application is accordingly dismissed.

(Rajiv Roy, J)

Prakash Narayan /-

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