

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54103 of 2021

Arising Out of PS. Case No.-421 Year-2021 Thana- MUFFASIL District- West Champaran

SARFARAJ KHAN Son of Ajmuddin Khan @ Ajmuddin Resident of Village
- Dariya Pur, P.s.- Pahar Pur, Distt.- East Champaran at Present resident of
Beldari, P.s.-Muffasil, Bettiah, Distt.- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Shankar Shrivastava, Advocate
for the Informant	:	Mr. Amrendra Nath Verma, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 20-04-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 376, 341, 323, 504, 506 and 34 of the Indian Penal Code and section 8 of the POCSO Act.

As per the prosecution case, the petitioner is said to have committed rape on the minor informant.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The petitioner and the informant are neighbors and students of intermediate. There is an unexplained delay in lodging of the FIR. No independent witness has supported the prosecution case and even the medical report does not support the case as alleged



in the FIR. The age of the informant has been estimated to be 15-17 years. The petitioner is in custody since 11.7.2021 and has no criminal antecedent. Charge sheet has been submitted in the case. He undertakes to cooperate in the trial.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the allegation against the petitioner is direct of having raped the minor informant which is supported by the medical report as also the statement of the victim in her statement under section 161 Cr.P.C.

Having heard learned counsel for the parties and taking into consideration the direct allegation against the petitioner of having raped the minor informant, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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