

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57792 of 2021

Arising Out of PS. Case No.-296 Year-2019 Thana- SAMASTIPUR District- Samastipur

Md. Sajid Parwej Son of Md. Shakil Resident of Village - Mathurapur,
Akbarpur, Police Station - Warisnagar (Mathurapur O.P.), District -
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uma Shankar, Advocate
Mr. Mahendra Pratap, Advocate
For the Opposite Party/s : Mr. Mukeshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 363, 366(A), 376(AB) of the Indian Penal Code and Section 4 of the POCSO Act.

According to prosecution case, as per f.I.R. is that on 21.11.2019, the daughter of the informant aged about 16 years a student of class-10th (the victim) went to school alongwith her younger sister as usual. After the school hour the younger daughter waited for the victim who did not come out from her



class whereafter the younger daughter returned back to her home and narrated the incident. Then the informant went to the school and inquired upon which teachers told him that his elder daughter (the victim) had not come in the class. When the informant asked friends of the victim then he came to know that his elder daughter (the victim) had talked to someone over a phone. The boy/man could not be traced out neither his daughter the victim.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that in fact the victim was in love with the petitioner. He further submits that the date of occurrence is on 21.11.2019 but the present F.I.R. was instituted on 25.11.2019 after delay of four days without any explanation of delay. The petitioner is in custody since 20.03.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the basis of material available on the record and the case diary submits that the statement of the victim recorded under Section 164 Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her and the medical report



also confirms the same.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Samastipur Town P.S. Case No. 296 of 2019 pending in the court of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO), Samastipur.

Prayer is refused.

(Rajesh Kumar Verma, J)

mdrashid/-

U		T	
---	--	---	--

