

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60296 of 2021**

Arising Out of PS. Case No.-53 Year-2021 Thana- MAHILA P.S. District- Araria

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MD. SAHIL S/o MD. MOHARRAM @ MD. MOHARRAM ALI R/o
VILLAGE-UDA, WARD No. 5, P.S- MAHALGAON, DISTRICT-ARARIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh
For the Opposite Party/s : Mr.Ramchandra Sahni

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 11-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Mahila P.S. Case no. 53 of 2021 corresponding to Special POCSO Case No. 20 of 2021 instituted for the offence punishable under Sections 376(3), 341, 323/34 of the Indian Penal Code read with Section 4 of the POCSO Act.

It is a case of committing rape by the petitioner upon the minor daughter, aged about 16 years, of the informant when she was out of the house for calling her cousin. When she tried to raise alarm, accused persons closed her mouth by cloth. After the alleged occurrence, she returned her home in bleeding condition and narrated the story to her parents.



Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. Informant and father of the petitioner are full brothers. Due to some previous enmity between the parties, he has been falsely implicated in this case.

Learned APP appearing for the State has opposed the prayer of bail and submitted that statement of the victim girl was got recorded under Section 164 Cr.P.C., wherein she has made direct allegation of rape against the petitioner.

Having heard learned counsel for the parties and taking into consideration that there is direct allegation of committing rape against the petitioner upon the minor girl of the informant, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

(Sunil Kumar Panwar, J)

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