

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66453 of 2021**

Arising Out of PS. Case No.-90 Year-2020 Thana- MAHILA P.S. District- Araria

ISHFAQUE @ MD. ISFAQUE Son of Rahil Resident of Village - Gurmi
Naya Tola, Jhamta, Ward No.10, P.S.- Forbesganj (Simraha), Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh
For the Opposite Party/s : Mr.Gauri Shankar Gupta

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 25-04-2022 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 376(3)/34 of the Indian Penal Code and u/s 4 of POCSO Act.

As per the prosecution case, this petitioner on the pretext of marriage established physical relation resulting in pregnancy of the informant.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. It is submitted that victim is major as such no case u/s 4 of POCSO Act is made out. Petitioner claims clean antecedent and is in custody since 13.06.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the



prayer for bail and submits that victim in her statement u/s 164 of the Cr. P. C. supported the prosecution case and in the medical examination the victim was found carrying pregnancy of 27 weeks.

Considering the nature of accusation and gravity of the offence, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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