

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66103 of 2021**

Arising Out of PS. Case No.-127 Year-2021 Thana- BALRAMPUR District- Katihar

NEKAIL @ MD. MIKAIL @ MO. MIKAIL S/O MD. SAKIM R/o village-
Hasanpur, P.S.- Balrampur, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Najeeb Ahmad, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 09-05-2022 Heard learned counsel for the petitioner, the State and
the learned counsel for the informant.

The FIR vide Balrampur P.S. Case No.127 of 2021
(G.R. No.3164 of 2021) was registered under Sections 376/34 of
the Indian Penal Code and Section 4 of the POCSO Act.

Allegation against three named accused including the
petitioner herein is that when the informant's daughter had gone
out to attend the nature's call; this petitioner along with two
other co-accused dragged her to a nearby field where it is
alleged that this petitioner committed rape upon her. When there
was delay in the return of the informant's daughter, search was
made and the accused persons upon seeing that the informant is
approaching, fled away. The police investigated the matter and
charge sheet has been submitted against the accused persons.
The statement of the victim girl was also recorded under Section



164 of the Cr.P.C. and she has supported the prosecution story and has named this petitioner as the person who committed rape.

Considering the aforesaid fact that the victim girl in her 164 Cr.P.C. statement has supported the prosecution story and named this petitioner as the person who committed rape on her, this Court is not inclined to grant any relief to him for the present.

The bail application is accordingly rejected.

(Rajiv Roy, J)

Prakash Narayan /-

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