

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70239 of 2021**

Arising Out of PS. Case No.-17 Year-2021 Thana- MAHILA P.S. District- Banka

MD. IRSHAD ALAM S/O MAJNU ANSARI R/o village- Dhopsanda, P.S.-
Dhoraiya, District- Banka

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar Jha
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 17-10-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Mahila
(Banka) P.S. Case No. 17 of 2021 registered for the offences
punishable under Sections 498, 376 and 34 of I.P.C. Sections 3
and 4 of D.P. Act and Section 4 of POCSO Act.

As per prosecution case, there is allegation against the
petitioner that he committed rape upon the victim.

Learned counsel for the petitioner submits that
petitioner is in custody since 26.07.2021. Petitioner bears no
criminal antecedent. He further submits that petitioner is quite
innocent and has committed no offence as alleged in FIR.



The learned counsel for the informant as well as learned APP for the State submits that there is direct allegation of committing rape against the petitioner and the same is supported and corroborated by the statement made under Section 164 of the Cr.P.C. which clearly suggests that victim is having pregnancy of nine months and on account of which victim is not willing to go for medical examination. Learned APP for the State further submits that victim is aged about 17 years.

Considering the facts and circumstances of the case, nature of allegation leveled against the petitioner coupled with statement of victim made under Section 164 of the Cr.P.C. and also taking into consideration the material available on record, I am not inclined to grant bail to the petitioner. Accordingly the prayer for bail of petitioner is hereby rejected.

(Alok Kumar Pandey, J)

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