

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62802 of 2022**

Arising Out of PS. Case No.-341 Year-2020 Thana- PURNEA SADAR District- Purnia

MD. MAJID SON OF MD. MANJUR ALAM @ MANJUR ALI @ MD.
MANJUR R/O VILLAGE- HARDA PIRGANJ, P.S.- K. HAT (MARANGA),
DISTRICT- PURNEA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 07-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

This is the second attempt of the petitioner to seek bail, as earlier by order dated 15.12.2021 in Cr. Misc. No. 21363 of 2021, the regular bail application was permitted to be withdrawn, as such the case was not considered on merit.

The petitioner seeks bail in a case registered for the offences punishable under Sections 341, 342, 376 and 34 of the Indian Penal Code read with Section 4 of the POCSO Act.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that she was called by Md. Kuddus to his house on pretext of some works, further when she was going to his house



Md. Majid (petitioner) forcefully abducted her on a Bolero vehicle and thereafter took her to a lonely place and raped her and threatened not to disclose, further alleges that for the occurrence even Md. Kuddus was responsible.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that Md. Kuddus has been granted bail by order dated 26.09.2022 in Cr. Misc. No. 5940 of 2022, it is next submitted that the girl has been assessed in between 18-19 years by the doctors, it is further submitted that the date of occurrence is 18.09.2020 and the FIR was instituted on 25.09.2020 after lapse of seven days without any plausible explanation.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that the informant is herself a victim and has very clearly alleges that she was raped by this petitioner while she was going to the house of Md. Kuddus, it is also submitted that no doubt the informant in the FIR alleges that Md. Kuddus was also responsible for the occurrence, but then the FIR does not suggest that Md. Kuddus was also present at the place of occurrence when the occurrence was committed, it is next submitted that the case of Md. Kudus is on a different footing then that of the petitioner, he is not alleged to have



committed the occurrence of rape, the learned APP further submits that no woman would falsely implicate someone and thus bring disrepute to her character in the society, it is thus submitted that the offence is barbaric and heinous in nature.

Considering the submissions made by the learned APP for the State, the Court is not inclined to grant regular bail to the petitioner.

(Satyavrat Verma, J)

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