

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2763 of 2023

Arising Out of PS. Case No.-41 Year-2022 Thana- MAHILA P.S. District- Kishanganj

HURELLA @ ABU HURESSLA @ ABU HURELLA @ ABDUL
HURELLA Son of Momin R/v- Ward No. 4, Kalpir, Pattharghati, P.S.-
Kodhobari, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
04.11.2022, in connection with Mahila P.S. Case No.41/2022,
F.I.R. dated 20.10.2022, for the offences punishable under
Sections 376, 323, 341, 504/34 of the Indian Penal Code and
Section 4 of POCSO Act.

According to prosecution case, the petitioner is alleged
to have committed rape upon the informant repeatedly.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
allegation against the petitioner as alleged in the F.I.R is false



and fabricated and no such occurrence has taken place.

Learned Additional Public Prosecutor for the State on the other hand on the basis of material available on the record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that in the medical report, the victim was minor at the time of occurrence and the statement of the victim was recorded under Section 164 of the Cr.P.C. in which she has specifically stated that the petitioner has committed rape upon her.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Mahila P.S. Case No. 41/2022, pending in the court of learned Additional Sessions Judge-1st-cum-Special Judge, Kishanganj.

Prayer is refused.

(Rajesh Kumar Verma, J)

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