

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4074 of 2023

Arising Out of PS. Case No.-63 Year-2021 Thana- MAHILA P.S. District- Madhepura

Md. Rahmat Son Of Md. Firoz R/V- Sarauni, Ward No. 12, P.S- Bihariganj,
Dist- Madhepura

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 05-04-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 341, 323, 376, 506, 504/34 of the Indian Penal Code and Section 4 of POCSO Act.

The prosecution case in nutshell is that when the informant and her minor sister-in-law(Nanad)/victim went for call of nature, petitioner ravished the victim. It is further alleged that when the family members of the victim went to house of the petitioner to complain then



family member of the petitioner started abusing, assaulting and threatened them of dire consequences.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. There is inordinate delay of more than one month in lodging the F.I.R. It is further submitted that medical report does not corroborate with the prosecution version of the case. Moreover, the Petitioner is in judicial custody since 12.08.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned APP appearing on behalf of the State vehemently opposed the prayer of the petitioner and submitted that petitioner is named in F.I.R. From the perusal of medical report, it appears that age of victim is 15-17 years, which shows victim is minor at the time of occurrence. The victim has stated in her statement, recorded under Section 164 of Cr.P.C. that petitioner has ravished her in the paddy field.



Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

Learned trial court is directed to expedite the trial and conclude the same as early as possible.

(Sunil Kumar Panwar, J)

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