

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10172 of 2023

Arising Out of PS. Case No.-184 Year-2022 Thana- BARARI District- Katihar

MD. JUBER @ JUBER ALAM Son of Md. Amajuddin R/v- Raja Pakar,
Mokariya Bari, P.S.- Barari, District- Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh

For the Opposite Party/s : Mr. Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 16-05-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for bail in connection with
Barari P.S. Case No. 184 of 2022 instituted for the offence under
Sections 376, 506 of the Indian Penal Code and Section 4 of the
POCSO Act.

As per allegation in the FIR, the informant alleged
that when her daughter went in back side of her house to attend
nature's call, meanwhile, the petitioner took her forcibly and
committed rape with her. When the victim girl protested, the
petitioner assaulted her and tried to kill her by pressing her
mouth. Further, the petitioner also threatened the victim if she
discloses about this occurrence to anyone.

Learned counsel for the petitioner submits that the



petitioner is innocent and committed no offence. He has falsely been implicated in this case due to land dispute between the parties. Learned counsel further submits that the medical report of the victim has not supported the prosecution case. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. Moreover, the petitioner is languishing in judicial custody since 12.10.2022.

Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that there is direct allegation against this petitioner of committing rape. The statement of victim recorded under section 164 of Cr.P.C. which is annexed with the Case diary wherein, she supported the prosecution case and stated that the petitioner namely, Md. Juber has taken her and committed wrong with her after stuffing cloths in her mouth thereafter, she became senseless. The victim girl is minor, aged about 12 years. During course of investigation, witnesses have also supported the prosecution allegation. It is further submitted that the charge-sheet has been submitted u/s 376 & 506 of the Indian Penal Code.

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.

The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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