

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10598 of 2023**

Arising Out of PS. Case No.-377 Year-2022 Thana- JAYNAGAR District- Madhubani

Md.Rabbani S/o Md. Salim R/o village- Korahiya, P.S.- Jaynagar, Distt-
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 24-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
15.10.2022 in connection with Jaynagar P.S. Case No. 377 of
2022, F.I.R. dated 15.10.2022 for the offences punishable under
Sections 376 (DA), 327 and 120B of the Indian Penal Code and
Sections 6, 8, 12, 14, 15 of POCSO Act, 2012 and Section 3(1)
(r)(s) (wi)/3(2)(va) of SC/ST Act.

According to prosecution case, all the accused persons
including the petitioner have committed rape upon the victim. It



is further alleged that they always used to threatened her and also recorded obscene video of her.

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 as alleged in the F.I.R. is false and fabricate and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that the present occurrence took place on 24.09.2022 to 14.10.2022 but the present F.I.R. was instituted on 15.10.2022 and the statement of the victim was recorded under Section 164 of the Cr.P.C. on 17.10.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim recorded under Section 164 of the Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her and the medical report of the victim also supported the allegation as alleged in the F.I.R. and during the time of occurrence, the victim was minor.

Considering the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail in connection with Jaynagar P.S. Case No. 377 of 2022 pending in the court of learned Additional Sessions Judge-VI-cum-Special Judge



(POCSO), Madhubani.

Prayer is refused.

(Rajesh Kumar Verma, J)

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