

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14650 of 2023

Arising Out of PS. Case No.-132 Year-2022 Thana- SANOKHAR District- Bhagalpur

Md. Sahawaz Son of Md. Ekram R/V- Madhopur, P.S- Amdanda, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Davendra Kumar Pandey

For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 07-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in connection with Sanokhar (Amdanda) P.S. Case No.132 of 2022 registered for the offence punishable under Sections 376, 504, 506, 34 of the Indian Penal Code and Section 4 of the POCSO Act.

As per prosecution case, the allegation against the petitioner is that he committed rape with the informant's minor daughter, aged about 14 years and threatened not to disclose anyone about the same otherwise her family members would be killed.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. He has got no criminal antecedent. It is further submitted that the medical report of victim not supported the prosecution in respect of commission of rape. The petitioner is languishing in judicial custody since 10.07.2022.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner is named in the F.I.R. and he has committed rape with the informant's minor daughter. As per statement of the victim recorded under Section 164 of the Cr.P.C., which is annexed with case diary wherein, she has specifically stated against the petitioner that he committed rape with her forcefully by pressing her mouth.

Having heard the learned counsel for the parties and considering the fact that there is direct allegation against the petitioner in respect of commission of rape to the informant's daughter, 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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