

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15563 of 2023

Arising Out of PS. Case No.-378 Year-2022 Thana- KRITYANAND NAGAR District-
Purnia

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MD NASIM @ NASIM S/O Mojibur Rahman R/O Village- Musahri Tola,
Madhopara ward no- 26, P.S- K. Hat (Sahayak), District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 03-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case instituted for the offence under Sections 376 and 420 of the Indian Penal Code; Section 4/6 of the POCSO Act; Section 9/10 of the Child Marriage Prohibition Act and Section 3(2)(v)(a) and 3(1)(w) of the SC/ST Act.

3. The allegation against the petitioner is of impersonating his identity with the daughter of the informant and made physical relation with her.



4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. Petitioner has consummated the marriage with the consent of the informant and the petitioner is the husband of the informant's daughter. He submitted that petitioner has not arrested on spot and nothing has been recovered from the conscious possession of the petitioner. Petitioner is languishing in judicial custody since 08.07.2022.

5. Learned APP for the State has opposed the application for bail and submitted that the statement of the victim recorded u/s 164 of the Cr.P.C., in which she stated that petitioner impersonating his identity and made sexual relation with the informant's daughter and also solemnized marriage with her, who is minor at the time of occurrence. She further stated that the petitioner belongs to Muslim and after showing forged document he married with her but his name is Md. Nasim and has already married, which corroborates the prosecution case. During investigation several witnesses have also supported the prosecution case.

6. 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.



7. The trial Court is directed to conclude the trial expeditiously.

(Sunil Kumar Panwar, J)

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