

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14830 of 2023

Arising Out of PS. Case No.-153 Year-2022 Thana- FORBESGANJ District- Araria

Md. Danish @ Danish Afroz Son Of Afroz R/O Village- Forbesganj, Ward
No.15, P.S.- Forbesganj, District- Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 24-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for bail in a case instituted
for the offence under Section 376 of the Indian Penal Code and
Section 3 of the POCSO Act.

It is a case of committing rape with the minor
daughter, aged about 16 years, of the informant by the
petitioner. It is further alleged that the petitioner threatened her
of dire consequences.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has been falsely implicated in this case. The medical
report of the victim does not support the prosecution case. The
petitioner has got no criminal antecedent and he is languishing



in judicial custody since 21.12.2022.

Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer of bail and submitted that the statement of the victim girl was got recorded under Section 164 of Cr.P.C. which is mentioned in para 27 of the case diary, wherein she has supported the prosecution case and stated her age about 16 years. She has specifically stated that the petitioner made physical relation with her forcefully by pressing her mouth.

Having heard learned counsel for the parties and taking into consideration that there is direct allegation of committing rape against the petitioner, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

The trial court is directed to expedite and conclude the trial.

(Sunil Kumar Panwar, J)

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