

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25184 of 2023

Arising Out of PS. Case No.-359 Year-2022 Thana- BAHERA District- Darbhanga

MD. SHAMIM SON OF MD. HABIB Resident of village - Rampur Udai,
P.S. - Bahera, Distt. - Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. SAMINA KHATOON D/O MD. KOTI Resident of village - Rampur Udai,
P.S. - Bahera, Distt. - Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhimanyu Deo

For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 24-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with
Bahera P.S. case no. 359 of 2022 instituted for the offence under
Sections 341, 323, 376(3), 504, 506/34 of the Indian Penal Code
and Section 4/6 of the POCSO Act.

As per allegation in the FIR, allegation against the
petitioner is that he committed preventive sexual assault with
the minor daughter of the informant after taking her forcefully
in orchard and due to which the victim got pregnant. The
petitioner also took obscene picture & videos of the victim and
threatened her continuously.



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 dirty village politics. The present FIR has been lodged in delay of one months from the alleged occurrence. The petitioner has got no criminal antecedent as alleged in para-3 of the bail petitioner. Moreover, he is languishing in judicial custody since 13.2.2023.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner is named in the FIR upon whom the informant has made specific allegation of committing rape with his minor daughter. The victim supported the prosecution in her statement recorded u/s 164 of the Cr.P.C. wherein, she stated that the petitioner forcefully took her in orchard and committed wrong with her. She further stated that the petitioner threatened to kill her if she told her parents about the incident. During course of investigation, prosecution witnesses of this case have also supported the case.

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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