

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29234 of 2023

Arising Out of PS. Case No.-70 Year-2021 Thana- MAHILA P.S. District- Araria

MD EAJAJ @ EJAZ Son of LATE RAIYASAT Resident of village- Bhuna
Ward No. 10 P.S. Mahalgaon (Jokihat) District Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha,Advocate

For the Opposite Party/s : Mr.Ganesh Prasad Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

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

2. The petitioner seeks bail, who is in custody since 21.03.2023 in connection with Mahila P.S. Case No. 70 of 2021, corresponding to Spl. (POCSO) Case No.25 of 2021, F.I.R. dated 10.06.2021 registered for the offence punishable under Sections 376(3),341,323,504,506/34 of the Indian Penal Code and Section 4 of the POCSO Act.

3. Allegation against the petitioner is that he committed rape upon the victim.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. The allegation as



alleged in the FIR is is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that from bare perusal of the FIR it appears that the FIR has been instituted after delay of about 11 days without giving any explanation of delay. Further submits that the medical report also does not support the allegation as alleged in the FIR.

5. Learned APP for the Stat, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim under Section 164 Cr.P.C was recorded in which she has categorically stated that the petitioner has committed rape upon her and as per medical report of the victim is concerned the medical of the victim was conducted on 10.06.2021 and the date of occurrence as alleged in the FIR as well as statement of the victim on 29.05.2021 after delay of about 11-12 days so there is possibility that no sign of rape was found on the person of the victim.

6. Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Mahila P.S. Case No. 70 of 2021, corresponding to Spl. (POCSO) Case No.25 of 2021 pending in the court of learned



Additional Sessions Judge VI-cum-Spl. Judge (POCSO),
Araria.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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