

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33635 of 2022

Arising Out of PS. Case No.-34 Year-2022 Thana- AMDABAD District- Katihar

MD. SHAMIM SON OF MD. TAMIZUDDIN @ TAMIKUDDIN R/O
VILLAGE- JHOLA, P.S.- AMDABAD, DISTRICT- KATIHAR

... .. Petitioner/s

Versus

1. The State of Bihar
2. ROJINA KHATOON D/O- JAFAR ALI R/O VILLAGE- JHOLA, P.S.-
AMDABAD, DISTRICT- KATIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Kumar, Adv.

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 13-01-2023 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 376, 341, 323, 447, 504, 506 and 34 of the Indian Penal Code and section 4 of the POCSO Act.

As per the prosecution case, the petitioner is said to have raped the informant.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case and the same would be evident from the fact that while the date of occurrence is 17.2.2021, a complaint for the said occurrence was filed on 18.12.2021 and thereafter this F.I.R. registered on



13.2.2022. Thus, it is a second case for the same occurrence.
The petitioner has no criminal antecedent and is in custody since
10.3.2022.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and
taking into consideration the direct allegation in the F.I.R.
against the petitioner of having committed rape on the informant
which has been supported in her statement recorded under
section 164 of the Cr.P.C., the Court is not inclined to enlarge
the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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