

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41110 of 2022

Arising Out of PS. Case No.-86 Year-2019 Thana- JOGAPATTI District- West Champaran

Hasruddin Miyan Son Of Late Noor Ali Miyan R/O Village- Pipra
Naurangiya, Loharpatti, P.S.- Yogapatti, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 13-02-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a case registered for the offences punishable under Section 376 of the Indian Penal Code and Section 4 of the POCSO Act.

It is a case of commission of rape to the minor daughter of the informant by the petitioner.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. It is further submitted that there is no eye witness to the occurrence and for a petty



dispute, this false case has been registered against the petitioner. The medical report also does not corroborate the case of the prosecution. After investigation, the police did not find the allegation of rape true against the petitioner and submitted charge-sheet under Sections 323, 504 of the Indian Penal Code but differing with the same, learned Court below took cognizance against the petitioner under Sections 341, 323, 376 I.P.C and Sections 4, 8, 10 of the POCSO Act. The petitioner is languishing in custody since 27.05.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner and submitted that the victim in her 164 Cr.P.C statement has specifically alleged against the petitioner that he forcefully committed rape upon her. The independent witnesses have also supported the case of the prosecution.



Considering the fact that thrust of accusation is against the petitioner, this Court is not inclined to grant bail to the petitioner.

The prayer for grant of bail to the petitioner stands rejected.

The Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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