

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45752 of 2022

Arising Out of PS. Case No.-126 Year-2020 Thana- MAHILA P.S. District- Araria

MD. SHAMIM S/O MD. HASHIM Resident of village- Khabdah Dumaria
Ward no- 3, P.S.- Narpatganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Saxena, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 10-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Mahila P.S. Case No. 126 of 2020 for the offence registered under Sections 376(3) of the Indian Penal Code and Section 4 of POSCO Act, 2012.

The allegation is regarding the petitioner having grabbed the victim girl, aged about 12 years, whereafter the petitioner had taken her to a bamboo orchard, where he had torn her clothes and raped her forcibly.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 22.12.2021. The learned counsel for the petitioner has further submitted that the petitioner has been falsely made an accused in the present case on account of animosity.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the materials available in the case diary, this Court finds that the victim girl has corroborated the factum of rape having been committed by the petitioner herein, in her statement made under Section 164 Cr.P.C., before the learned Magistrate, which further stands corroborated by the fact that in the medical report, hymen has been found to be torn and in the F.S.L. report, semen and blood have



been found on the *salwar* of the victim girl, hence, this Court finds that ample materials are available on record to prima facie constitute a case against the petitioner herein of having committed rape with the victim girl, hence, I do not find any merit in the present petition. Accordingly, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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