

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49425 of 2022

Arising Out of PS. Case No.-272 Year-2020 Thana- DURAULI District- Siwan

KALAMUDDIN ANSARI @ KALAMUDIN ANSARI Son of Islam Ansari
Resident of Village - Bhitauli, P.S.- Darauli, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam, Adv.

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-02-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 363, 366(A) and 34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST Act, later on Sections 4 and 6 of the POCSO Act.

The minor daughter of the informant is alleged to have been abducted by the petitioner and when the informant went to the house of the petitioner in search of her daughter, he has been abused by the family members of the petitioner and got threatening to burn him.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that



no such occurrence as alleged in the F.I.R. has taken place. He further submits that no one claims to be the eye witness of the alleged occurrence rather the petitioner has been made accused in this case on the basis of suspicion. The petitioner is rotting in judicial custody since 30.06.2021.

Learned A.P.P. for the State, on the basis of material available on record as well as the case diary, has vehemently opposed the prayer for bail of the petitioner and submits that the statement of victim has been recorded under Section 164 Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her and medical report of the victim suggest that the victim is minor.

Considering the facts and circumstances of the case, this Court is not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

brajesh/-

U		T	
---	--	---	--

