

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49653 of 2022

Arising Out of PS. Case No.-218 Year-2022 Thana- KHAJANCHI HAT District- Purnia

MD HAIDAR S/o Late Md. Ibrahim Resident of Village- Pokhariya, P.S.-
Mufassil (Ranipatra), District- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 23-02-2023 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 376 of the Indian Penal
Code and Section 4 and 6 of the POCSO Act.

The daughter of the informant is said to have been
eloped by the petitioner.

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
the allegation as alleged in the F.I.R. is false and fabricated. No
such occurrence has ever taken place. The petitioner has not
committed or established any physical relation with the victim
girl. The petitioner is rotting in judicial custody since 15.03.2022.



Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the victim has been recovered and her statement has been recorded under Section 164 Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her. He further submits that though the medical report does not speak about the commission of rape but the victim has admitted that she has been subjected to rape after being confined in a room at the house of sister of the petitioner. It would be pertinent to note here that the medical examination has been conducted on 14.03.2022 whereas the alleged occurrence is alleged to be of 04.03.2022 which is ten days prior to medical examination.

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)

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