

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55089 of 2023**

Arising Out of PS. Case No.-309 Year-2023 Thana- FORBESGANJ District-
Araria

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MD. NISHAR @ NISHAR ALAM SON OF MD. TASVEER ALAM @ TASAVIR
RESIDENT OF VILLAGE- DHOLBAJJA WARD NO. 08, BAIJNATHPUR, PS-
FORBESGANJ, DIST- ARARIA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-09-2023 Heard Mr. Mukesh Kumar Rana, learned counsel

for the petitioner and Mr. Ram Bilash Roy Raman, learned

A.P.P. for the State.

The petitioner seeks bail in connection with

Special POCSO Case No. 37 of 2023 arising out of Forbesganj

P.S. Case No. 309 of 2023 registered for the offence under

Sections 376 of the Indian Penal Code and 4 and 6 of the

POCSO Act.

The minor daughter of the informant is alleged to

have been raped by the petitioner and she was subjected to

threaten for her dire consequence.

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 and the petitioner has not committed any offence. He further submits that on bare perusal of the F.I.R., it appears that the occurrence is alleged to have been committed on 11.04.2023 whereas the instant F.I.R. has been lodged on 12.04.2023 after one day without any explanation which appears to be an afterthought just to implicate the petitioner in the present case. The petitioner is rotting in judicial custody since 13.04.2023.

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 there is direct allegation of commission of rape upon the minor daughter of the informant against the petitioner. The victim in her statement recorded under Section 164 Cr.P.C. has categorically stated that the petitioner has committed rape upon her and apart from that the medical examination of the victim also suggests that she was sexually assaulted by the petitioner. He further submits that the victim was medically examined and she was found minor at the time of



occurrence.

Considering the nature of allegation of rape upon the minor victim, 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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