

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55811 of 2022

Arising Out of PS. Case No.-370 Year-2022 Thana- KRITYANAND NAGAR District-
Purnia

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Md Muzahid @ Md Mujahid Islam Son of Md Sajjad Ali R/V- Begum Pur,
P.S- K. Nagar, Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-02-2023 Heard learned counsel for the petitioner, learned

counsel appearing on behalf of the informant as well as learned

Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 376, 504, 506/34
of the Indian Penal Code and Sections 4,6 of the POCSO Act.

According to prosecution case, the petitioner on the
point of knife forcibly committed rape of the daughter of the
informant who aged about 15 years when she was alone in the
house and also tried to kill her by pressing her neck.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and no such occurrence took place. He further submits that there is no eye witness of the alleged occurrence and the informant is also not the eye witness of the alleged occurrence. The petitioner is in custody since 03.08.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim girl was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with K. Nagar P.S. Case No. 370 of 2022 pending in the court of learned Additional Sessions Judge-cum-Special Judge (POCSO), VI, Purnea.

Prayer is refused.

(Rajesh Kumar Verma, J)

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