

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61345 of 2022

Arising Out of PS. Case No.-127 Year-2022 Thana- PALANWA District- East Champaran

MOHAMMAD KAIF Khan @ Kaif Khan Son of Jakaulah Khan R/o village
- Basti Semara, P.S.- Palanwa, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2, Adv.

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Palanwa P.S. Case No. 127 of 2022, registered for the offence punishable under Section 376(D.A.) of the Indian Penal Code and Sections 4, 6, 10 of the POCSO Act.

The allegation is regarding the accused persons having forcibly taken the victim girl in an orchard, when she had gone out of her house to attend to the call of nature, on the alleged date and time of occurrence and then, the petitioner and two other co-accused persons are stated to have raped her.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 15.06.2022. The learned counsel for the petitioner has further submitted that love affair was existing in between the victim girl and the accused person, namely, Aftab Khan and as far as the petitioner is concerned, he has got no complicity in the matter.

Per contra, the learned APP for the State has referred to the impugned order dated 3.9.2022 to submit that the victim girl, in her statement made under Section 164 Cr.P.C., before the learned Magistrate, has not only named the said Aftab Khan but also the petitioner and one another person to have raped her brutally and the victim girl has also been found to be a minor, hence, the petitioner is definitely having complicity in the alleged heinous crime of having raped the minor victim girl.



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 statement made by the victim girl under Section 164 Cr.P.C. before the learned Magistrate, which definitely corroborates the alleged occurrence, this Court finds that the petitioner is also prima facie involved in commission of rape with the victim girl, hence, I am not inclined to grant bail to the petitioner, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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