

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60166 of 2023

Arising Out of PS. Case No.-153 Year-2022 Thana- ANDHRATHARHI District- Madhubani

Md. Haroon @ Haroon Rain S/O Chhotu Rain @ Md. Hasim Rain R/O
Village- Thadhi, Ps. Andhrathadi, Dist. Madhubani Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Mr. Ravi Prakash
For the Opposite Party/s : Mr. Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 08-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for grant of regular bail has been filed by the petitioner instituted for the offence punishable under Sections 376/34 of the Indian Penal Code read with Section 8/12 of the POCSO Act.

It is a case of commission of rape by the petitioner and three other accused persons, upon the informant, aged about 16 years, when she had gone out for natural call. When she raised alarm, her uncle came there to rescue her then all accused persons fled away from the place of occurrence.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. Medical report does not corroborate the prosecution case. In fact, prior to the present FIR, uncle of the petitioner filed a case against the uncle of the informant and others. Due to previous enmity between the parties, informant has made accused to the petitioner



without his fault. Medical report does not support the prosecution story. Petitioner has got no criminal antecedent and languishing in judicial custody since 31.5.2023.

Learned APP appearing for the State has opposed the prayer of bail and submitted that petitioner is the named accused and there is direct allegation of commission of rape against him. Statement of the victim girl was recorded under Section 164 Cr.P.C., in which she has made specific allegation of rape against the petitioner. Moreover, informant/victim is herself the author of the FIR.

Having heard learned counsel for the parties and taking into consideration that there is direct allegation of committing rape against the petitioner upon the minor victim girl/informant, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

The trial court is directed to expedite and conclude the trial.

(Sunil Kumar Panwar, J)

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