

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62221 of 2023

Arising Out of PS. Case No.-52 Year-2023 Thana- CHAINPUR District- Kaimur (Bhabua)

MUSLIM KHAN @ MURSALIN KHAN @ MURSILAM KHAN S/O ALI
AHMAD KHAN VILLAGE MANPUR BIUR, PS- CHAINPUR, DIST-
KAIMUR AT BHABAU

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parwej Khan, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 06-12-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Chainpur P.S. Case no.52 of 2023 registered under section 376 of the Indian Penal Code and section 6 of the POCSO Act.

3. As per the prosecution case, while the 16 years old daughter of the informant was returning, she was raped by this petitioner.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. No such occurrence as alleged in the FIR has taken place. There is an inordinate delay in lodging of the FIR as the alleged occurrence is said to have taken place on 26.2.2023 and the FIR was registered only on 2.3.2023 although the distance of the



Police Station from the alleged place of occurrence is only 5 kilometers. The medical report does not support the prosecution case. The petitioner is in custody since 22.8.2023, the trial has commenced in the learned trial Court being POCSO Case no.47 of 2023. In the said case the victim has been examined and she has not supported the prosecution case. The petitioner undertakes to cooperate in the trial.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the the allegation of rape being against this petitioner, the victim having supported the prosecution case in her statement under section 164 Cr.P.C. as also in her examination in chief in course of trial, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Learned trial Court is directed to expedite the trial.

8. It is made clear that none of the observations made hereinabove shall be used by either of the parties in course of trial.

(Partha Sarthy, J)

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