

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62817 of 2022

Arising Out of PS. Case No.-85 Year-2020 Thana- MAHILA PS District- Darbhanga

MD. AFTAB SON OF LATE EEJHARUL HAQUE R/O VILLAGE-
ADALPUR, P.S.- SADAR (BHALPATTI O.P.), DISTRICT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baidya Nath Prasad

For the Opposite Party/s : Mr.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 08-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case instituted
for the offence under Section 376, 120(B) of the Indian Penal
Code and Section 4/6 of POCSO Act.

It is a case of committing rape by the petitioner upon
the informant, aged about 16-17 years, on the pretext of
marriage as a result of which she became pregnant of six
months.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has been falsely implicated in this case due to dirty
village politics. Informant is a married woman. As alleged,
informant is six months pregnant and prior to lodging the FIR,



she has not disclosed about wrong doings made by the petitioner, which shows that informant was consenting party. Petitioner is languishing in judicial custody since 13.12.2021.

Learned APP appearing for the State has opposed the prayer of bail and submitted that petitioner has established physical relationship with the victim girl as a result of which she became pregnant.

Having heard learned counsel for the parties and considering the nature of allegation, 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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