

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 64934 of 2023

Arising Out of PS. Case No.-125 Year-2022 Thana- MAHILA PS District- Gaya

Md. Shahid S/o Muhammad Sikandra Resident of Vill-Nabinagar, P.S. Chakand, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 3 06-12-2023 1. No one appears for the petitioner. Learned A.P.P. for the State is present.
2. The petitioner has preferred this application for grant of regular bail in connection with Mahila P.S. Case No. 125 of 2022 registered under sections 376, 376(3) and 506 of the Indian Penal Code and sections 4 and 6 of the POCSO Act.
3. As per the prosecution case, the petitioner on the point of knife is said to have committed rape on the 13 year old minor daughter of the informant.
4. The case of the petitioner from the contents of the petition is that he has been falsely implicated in the case. There is an inordinate delay in lodging of the F.I.R. While the occurrence is alleged to have taken place on 25.12.2022, the F.I.R. was registered only on 27.12.2022. The cause of false

implication is land dispute between the parties. The petitioner is in custody since 3.4.2023 and charge-sheet has been submitted in the case.

5. The application for bail is opposed by learned A.P.P. for the State, who submits that not only there is direct allegation against the petitioner of having committed rape on the minor daughter of the informant but the victim has also supported the allegation in her statement under section 164 of the Cr.P.C.

6. Having heard learned counsel for the parties and taking into consideration, the allegation of rape against the petitioner together with the 13 year old victim having supported the allegations in her statement under section 164 of the Cr.P.C., the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J.)

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