

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66162 of 2022

Arising Out of PS. Case No.-112 Year-2022 Thana- MANPUR District- West Champaran

SHEIKH NURUL SON OF LATE SHEIKH SHARFARAJ R/O VILLAGE-
SAHNAURA TADI, SAHNAULA TADI, P.S.- MANPUR, DISTRICT-
WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 30-08-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The instant application for regular bail has been
filed by the petitioner instituted for the offence punishable
under Sections 376, 504, 506 of the IPC, Section 4 and 8 of
the POCSO Act and Section 3(i)(r) (s)(w)/3(2)(v)(va) of the
SC/ST Act.

It is a case of commission of rape by the petitioner
upon a minor girl in absence of her parents. Petitioner
entered into her house and locked the room from inside and
committed rape forcefully and threatened her of dire
consequences, if she discloses the matter to anyone.



Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. Petitioner had earlier filed an informatory petition against the informant and his family members stating therein that he will be implicated in heinous case at any time. FIR is lodged after a delay of two months. As per medical report, her age is between 17-19, so she is at the verge of majority. Petitioner is languishing in judicial custody since 25.7.2022.

Learned APP appearing for the State has opposed the prayer of bail and submitted that statement of the victim girl was got recorded under Section 164 Cr.P.C., wherein she has made direct allegation of rape against the petitioner and also asserted that she is carrying the pregnancy of two months. During investigation, several witnesses have supported the prosecution story. At the time of alleged incident, victim girl was minor.

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 daughter of the 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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