

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69805 of 2022

Arising Out of PS. Case No.-552 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

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IMRAN FAROOQUI @ IMRAN FARUKI S/O SULTAN FARUKI Resident
of village- Barkat Nagar, Mohania Ward no- 11, P.S.- Mohania, District-
Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
29.11.2021 in connection with POCSO Case No. 06 of 2022
(arising out of Mohania P.S. Case No. 552 of 2021), F.I.R. dated
28.11.2021 registered for the offence punishable under Section
377/34 of IPC and Section 4 of POCSO Act.

The prosecution case, in short, is that 10 years old son
of the informant informed his family members that he is having
pain in anus and also informed that accused Imran Farooqui and
Istiyaq Farooqui have committed wrong with him through anus.
The informant saw blood coming out from the anus of the
victim.



Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. No such occurrence had taken place as alleged in the FIR and there is no eye witness of the alleged occurrence and no case is made out against the petitioner under Section 377 of IPC and Section 4 of POCSO Act.

Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 164 Cr.P.C. in which he has categorically stated that the petitioner has committed wrong with the victim.

Considering the aforesaid fact, I am not inclined to enlarge the petitioner on bail in connection with POCSO Case No. 06 of 2022 (arising out of Mohania P.S. Case No. 552 of 2021) pending in the court of learned Special Court, POCSO Act-cum-A.D.J.-VI, Kaimur (Bhabhua).

Prayer is refused.

(Rajesh Kumar Verma, J)

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