

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73261 of 2022

Arising Out of PS. Case No.-112 Year-2018 Thana- MAHILA P.S. District- Patna

Akhru Jama Khan @ Md. Akhru Zama Khan @ Md. Akharoo Zama Khan @
Sultan Khan Son Of Late Dr. Makhbool Khan Resident Of Village-
Fakruddinpur, P.S.- Mubarakpur, District- Azamgarh (u.p.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mishra, Advocate

For the Opposite Party/s : Mrs. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
12.07.2022, in connection with Mahila P.S. Case No. 112 of 2018
(Special Case No. 158 of 2018), F.I.R. dated 17.08.2018 registered
for the offences punishable under Sections 376/34 of the Indian
Penal Code, Sections 4/6 of the POCSO Act.

Allegation against the petitioner is that he being the
father of the minor victim used to continuously rape upon her
and when objected, was threatened to oust her from his house. It
is further alleged that the two sons of the other wife of his father
too had committed rape upon her several times.

Learned counsel for the petitioner submits that the
petitioner carries seventeen more cases other than the present
one and he has been falsely implicated in the present case due to



land dispute. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and in fact the petitioner is step father of the victim

Learned APP for the State, on the other hand, on the basis of material available on record and the case diary, vehemently opposed the prayer for bail and submits that the statement of the victim girl was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that the petitioner has committed rape along with step brother and the medical report also suggests that the victim was sexually assaulted by the petitioner and the step brother of the victim.

Considering the aforesaid facts that there is direct allegation against the petitioner, I am not inclined to enlarge the petitioner on bail in connection with Mahila P.S. Case No. 112 of 2018 (Special Case No. 158 of 2018) pending in the Court of learned Additional Sessions Judge Vith-cum-Special Judge, POCSO, Patna.

Prayer is refused.

(Rajesh Kumar Verma, J)

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