

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10016 of 2024

Arising Out of PS. Case No.-5 Year-2023 Thana- MAHILA P.S. District- Madhubani

Allah Rakha S/O- Md. Sabir R/O- Village- Momin Tola, Ward No.- 9, P.S.-
Madhubani Town, Dist.- Madhubani.

... .. Petitioner/S

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar, Adv.

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 16-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Mahila P.S. Case No.05 of 2023 lodged under Sections 376,
323, 341, 504, 506 and 34 of the I.P.C. read with section 4/6
POCSO Act.

3. As per the prosecution case, the F.I.R. has been
lodged against 8 named accused persons including the
petitioner. The specific allegation against the petitioner is that he
has raped the daughter of the informant who is alleged to be
minor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that compromise has taken place in this case.



5. Counsel for the petitioner submits that the petitioner is in custody since 25.09.2023 having clean antecedent.

6. Counsel also submits that on the previous occasion, case diary and statement under section 164 of Cr.P.C. has been called for.

7. Learned counsel for the State opposes the prayer for bail and submits that statement of section 164 of Cr.P.C. as well as medical report are against the petitioner. Upon perusal of the statement of the victim and medical examination report which is present in paragraph 38, it transpires that the petitioner has committed offence.

8. In the present facts and circumstances of this case and the submissions made above, this Court is not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected.

(Dr. Anshuman, J.)

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