

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14971 of 2024

Arising Out of PS. Case No.-345 Year-2023 Thana- AMAUR District- Purnia

Md. Sadik @ Md. Sadique Son of Late Saiyad @ Md. Saiyad R/O-Parsarai,
P.S.-Amour, Distt.-Purnea

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 12-03-2024 1. Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.
2. The accused/petitioner is named in F.I.R. and apprehending his arrest in connection with Amour P.S. Case No. 345 of 2023 registered for the offences punishable under Sections 376/34 of the Indian Penal Code and Section 4 of POCSO Act.
3. The allegation against this petitioner is to commit rape/penetrative sexual assault upon minor daughter of informant, aged about 16 years on intervening night of 26.10.2023 while she was sleeping



alone in her house.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner and informant were in friendly terms and they were in regular conversations over their mobile phones. It is submitted that when on, one such occasion, petitioner upon invitation of victim, visited her house, he was alleged to be apprehended by informant and implicated falsely with present case. It is submitted that FIR was lodged with a delay of 5 days, which suggests a planned and formulated implication of petitioner, who is a man of clean antecedent.

5. Learned APP appearing for the State, while opposing the prayer of bail submitted that victim specifically alleged this petitioner as to commit rape/penetrative sexual assault upon her through her statement as recorded under Section 164 of the Cr.P.C. It is submitted that during medical examination, hymen of victim found torn, where as per her first attendant school, her date of birth was found as 15.06.2007,



suggesting, *prima facie*, the victim was minor on the date of occurrence.

6. Considering the aforesaid factual submissions and by taking note of statement of victim as recorded under Section 164 of the Cr.P.C., where she specifically raised allegation against petitioner, as to commit rape/penetrative sexual assault upon her, which appears duly corroborated, *prima facie*, as per her medical report, accordingly, the prayer of anticipatory bail of petitioner is rejected, herewith.

(Chandra Shekhar Jha, J)

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