

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24348 of 2024

Arising Out of PS. Case No.-709 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Mohamamd Imtiyaz @ Chunna Son of Mohamamad Anwar Resident of
Village- Saharsa Basti, Dumrail, Ward No. 33/26, P.S.- Saharsa, District-
Saharsa Petitioner/s

Versus

1. The State of Bihar
2. Anbari Khatoon W/o Md. Moti Resident of Village- Saharsa Basti, Dumrail
Tola, Ward No. 33/26, P.S.- Saharsa, District- Saharsa
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-04-2024 Heard Mr. Bhaskar Shankar, learned counsel for the

petitioner and Mr. Pradeep Narain Kumar, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
10.10.2023 in connection with Saharsa Sadar P.S. Case No. 709
of 2023, F.I.R. dated 08.10.2023 for the offences punishable
under Sections 376 (3) and 506 of the Indian Penal Code and
Section 4 and 6 of the POCSO Act.

3. According to prosecution case, this petitioner was
sexually exploiting the victim who was daughter of the Opposite
Party No. 2 and at the time medical examination the victim was
found to be pregnant.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. which was mentioned in paragraph no. 47 of the case diary in which she has fully supported the case of the prosecution and the medical report of the victim also suggests that the petitioner has committed wrong with her. He further submits that at the time of her medical examination, the victim was pregnant.

6. Considering the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail in connection with Saharsa Sadar P.S. Case No. 709 of 2023 pending in the court of learned Exclusive Court, POCSO, Saharsa.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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