

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.26332 of 2024

Arising Out of PS. Case No.-331 Year-2022 Thana- KASBA District- Purnia

Md. Shoab Alam @ Soab @ Md. Sohib @ Md. Sohim Alam, Male, aged about 35 years, Son of Md. Israil, Resident of Village - Sanjheli, P.S.- Kasba, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Urmila Kumari, Female, Daughter of Mant Lal Urawn, Resident of Sharma Tola, Ward No. 11, Sanjheli, P.S.- Kasba, District- Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 26-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Kasba P.S. Case No. 331 of 2022 instituted for the offences punishable under Sections 376, 366(A)/34 of the Indian Penal Code and Section 4 of the POCSO Act, 2012.

3. As per allegation in the FIR, all the accused persons including the petitioner is to have committed gang rape upon the victim.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case only on the basis of dirty village politics. He further submits that after investigation police submitted charge-sheet against the petitioner and there is no chance of tampering with the evidence. The occurrence took place on 09.10.2022 and the FIR has been lodged on 15.10.2022 after a delay of six days without giving any plausible explanation in this regard. Petitioner has got clean antecedent as stated in para 3 of the petition is in custody since 22.12.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order dated 20.01.2024 passed by the learned 6th Additional Sessions Judge-cum-Special Judge (POCSO), Purnea, it appears that allegation against this petitioner is specific that he along with co-accused persons has committed gang rape upon the victim. The statement of the victim recorded under Section 164 of the Cr.P.C. in which she has stated that the petitioner with co-accused have raped him.

7. Considering the facts and circumstances of the case, nature of allegation and seriousness of the offence, I am not inclined to grant bail to the petitioner.



8. Prayer for regular bail of the petitioner is hereby
rejected.

(Ramesh Chand Malviya, J)

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