

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30349 of 2024

Arising Out of PS. Case No.-47 Year-2023 Thana- MAHILA P.S. District- Araria

Md. Hasrat @ Hasrat, aged about 25 years, Male Son of Jamruddin, Resident of Village - Farashut ward no. 3, P.S. - Bairgachhi O.P. (Araria), District – Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 24-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Special (POCSO) Case No. 17 of 2024 arising out of Mahila P.S. Case No. 47 of 2023 instituted for the offences punishable under Sections 376 and 506 of the Indian Penal Code, Section 6 of the POCSO Act and Sections 66D, 67 of the I.T. Act.

3. As per the prosecution case, accused persons including the petitioner have committed rape with her forcibly on the informant.

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. He further submits that after



a lapse of one year, the present case has been lodged by the informant, which itself goes to show the falsity of the case and false implication of the petitioner. He next submits that the informant is a major and lodged this false case against the petitioner only on put pressure for marriage. Petitioner has got no criminal 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 13.03.2024 passed by the learned A.D.J.-VI-cum-Special Judge (POCSO), Araria, it appears that on the basis of written report of the informant-cum-victim, the present case has been registered and it has been alleged in the written report that the accused-petitioner has been forcibly raping her for the last one year. There is allegation that the accused/petitioner is having nude photos of the victim and while the father of the victim talked about their marriage, the accused has demanded Rs. 50,000/-, otherwise threatened to make viral the nude photos. There is *prima facie* involvement of accused/petitioner in the alleged occurrence. On perusal of the case records, it also transpires that the victim had also supported the case of the prosecution and in her statement under Section 164 of the



Cr.P.C. that the petitioner made physical relationship with the victim and all the witnesses have fully supported the prosecution case.

7. Considering the facts and circumstances of the case, seriousness of offence and submissions of learned counsel for the parties, I am not inclined to grant bail to the petitioner.

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

9. Learned trial Court is directed to conclude the trial preferably within a period of six months from the date of receipt of a copy of this order and if the trial is not concluded within the stipulated period, the petitioner may renew his prayer for bail before the trial Court.

(Ramesh Chand Malviya, J)

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