

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33241 of 2024

Arising Out of PS. Case No.-33 Year-2023 Thana- MAHILA P.S. District- Nalanda

Md. Surkhab son of Late Md. Jamal Shah @ Md. Jamal Moh- Banauliya
Neem Adan, P.S. Bihar, Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in a case registered for
the offence under Sections 376, 504 and 506 of the Indian Penal
Code and Sections 4 and 6 of the POCSO Act.

3. As per allegation in the FIR, petitioner tried to
commit rape upon the daughter of the informant who is a minor.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case. He next
submits the circumstantial evidence do not corroborate the
prosecution version and the petitioner has been made accused
due to local politics. Petitioner has got clean antecedent as
stated in para-3 of the petition and he is in custody since



15.06.2023.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the petitioner has committed rape upon the daughter of the informant.

6. On perusal of the first information report, case diary, medical report and impugned order dated 20.02.2024, it appears that the specific allegation of committing rape against the petitioner and the witnesses have supported the case of the prosecution as stated in para-12, 24 and 25 of the case diary and the statement of the victim as recorded under Section 164 of the Cr.P.C, it appears that petitioner has committed rape upon her and there is serious allegation made against the petitioner, considering which, I am not inclined to grant bail to the petitioner.

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

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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