

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45840 of 2024

Arising Out of PS. Case No.-106 Year-2023 Thana- JAMALPUR District- Darbhanga

Md. Mustakim SON OF Abdul Bari Resident Of Village Jhagraua, P.S-
Jamalpur, Dist - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad, Adv

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 09-09-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Jamalpur P.S. Case No. 106 of 2023 dated 29.08.2023 registered for the offence punishable u/s 376(3) of the Indian Penal Code and Section 4/6 of the POCSO Act.

3. As per the prosecution case, the petitioner is alleged to have committed rape on the minor daughter of the informant.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has one antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 31.08.2023. It



is further submitted that the charge sheet has already been submitted u/s 376(3) of the I.P.C.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that there is specific allegation against the petitioner that he committed rape on the minor victim girl. As per the statement of the victim girl recorded u/s 164 Cr. P.C., she supported the case of prosecution. The medical board assessed the age of the victim as 14 to 15 years and her hymen was torn.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Jamalpur P.S. Case No. 106 of 2023 pending in the court of learned Exclusive Special Judge, (POCSO Act), Darbhanga.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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