

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41141 of 2024

Arising Out of PS. Case No.-247 Year-2023 Thana- BARARI District- Katihar

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Ziaul Haque Son Of Lal Mohammad @ Abul Quasim R/O- Kachhua, P.S.-
Barari, Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2024 Heard Mr. Sanjeev Kumar Singh, learned counsel for
the petitioner and Mr. Chandra Sen Prasad Singh, learned APP
for the State.

2. The petitioner is apprehending his arrest
connection with Barari P.S. Case No. 247 of 2023, F.I.R. dated
22.07.2023 registered for the offences punishable under Section
376 of the Indian Penal Code and Section 4 of the POCSO Act.

3. Allegation against the petitioner is of forcibly
committing rape with the victim girl.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
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 offence as alleged in the F.I.R.



5. Learned APP for the State, on the other hand, vehemently opposed the prayer for anticipatory bail of the petitioner and submits on the basis of the impugned order that the victim was recovered and her statement was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that the petitioner has committed rape upon her and apart from that the victim was minor at the time of occurrence as well as the medical report of the victim also supports the allegation as alleged in the F.I.R.

6. In view of the aforesaid, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Barari P.S. Case No. 247 of 2023 pending in the Court of learned Additional Sessions Judge-VII cum Special Judge, POCSO, Katihar.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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