

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46691 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- MAHILA P.S District- West Champaran

Sagir Alam S/o Jahangir Mian R/o Village - Suarchhap, P.S. - Lauriya, Distt. -
West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. X (Victim) D/o Kalam Mian R/o vill - Hardi Terha, ward no. 05, P.s. - Shikarpur, Distt. - West Champaran under the Guardianship of her father Kalam Mian

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brij Kishor Mishra, Advocate
For the State	:	Mr. Umesh Lal Verma, APP
For the Informant	:	Mr. Sujeet Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2024 Heard Mr. Brij Kishor Mishra, learned counsel for the petitioner, Mr. Sujeet Kumar, learned counsel for the informant and Mr. Umesh Lal Verma, learned A.P.P. appearing on behalf of the State.

2. The petitioner seeks bail, who is in custody since 17.02.2024 in connection with Bettiah Mahila P.S. Case No. 09 of 2024, FIR dated 15.02.2024 registered for the offence under Sections 341, 376, 323, 504, 506 and 34 of the Indian Penal Code and Sections 4 and 6 of the POCSO Act..

3. As per the prosecution case, the petitioner is said to have made physical relationship with the victim on the false pretext of marriage and when she got pregnant, the petitioner denied to marry with her.

4. Learned counsel appearing for the petitioner



submits that the petitioner, who is of clean antecedent, is innocent and he has falsely been implicated in this case. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR.

5. Learned A.P.P. for the State, on the other hand, on the basis of the material available on the record in the case diary has vehemently opposed the prayer for bail of the petitioner and submits that although the FIR has been instituted after a delay of about two months but the statement of the victim was recorded under Section 164 Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her and apart from that the medical report of the victim also suggests that she has been sexually assaulted by the petitioner.

6. Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with Bettiah Mahila P.S. Case No. 09 of 2024 pending in the Court of learned Additional Sessions Judge VI cum Special Judge, POCSO, Bettiah, West Champaran.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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