

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44319 of 2024

Arising Out of PS. Case No.-160 Year-2024 Thana- BAHADURPUR District- Darbhanga

Md. Idris Md. Yasin Marhum Village- Bahadurpur, Ps- Bahadurpur, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurav Anand, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

6 09-12-2024 Heard learned counsel for the petitioner, learned APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Bahadurpur P.S. Case No. 160 of 2024, instituted for the offences punishable under Sections 376, 313 of the Indian Penal Code and Section 4 of the POCSO Act.

3. The prosecution case, in short, is that, the petitioner forcibly committed rape upon the minor daughter of the informant who is the step daughter of the petitioner. It is also alleged that earlier the victim became pregnant of 3 months and the petitioner took her to hospital and got her aborted.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the



present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner also submits that there is delay of four days in lodging the FIR. The petitioner is step father of the victim. It is further submitted that the victim had love affair with a boy who used to visit his house in his absence and when the petitioner came to know about it he threatened to leave the informant as the informant was aware about the relation of the victim with a boy. The informant took the victim in her favour and lodged the present case. The petitioner is in custody since 20.04.2024 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is also submitted that the victim has supported the case of prosecution for her statement recorded under Section 164 of Cr.P.C. As per medical record, the victim was minor at the time of incidence. It is further submitted that there is direct and specific allegation against the petitioner. Trial is already in progress and the victim and informant have been examined in this case and the trial is likely to be concluded within four months. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence,



this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected. The trial Court is directed to expedite the Trial expeditiously.

(Rudra Prakash Mishra, J)

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