

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51104 of 2023

Arising Out of PS. Case No.-163 Year-2022 Thana- SARSI District- Purnia

MD. KHURSHID S/O MD. RIYAZ R/O VILLAGE- MASURIYA, PS.
SARSI, DIST. PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate
: Mr. Bipin Kumar
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 22-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 448, 341, 323, 376, 504, 506, 34 of the IPC and Section 3, 4 of the POCSO Act.

As per FIR, the informant alleged that the petitioner came at her shop for buying *gutka* and after that he asked for one glass water, when she went in her house to bring water in the meantime petitioner forcibly took her in a room and committed rape upon her. It is further alleged that the petitioner also threatened her of dire consequences.



Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to previous money enmity. There is nine days delay in lodging the FIR without given any cogent reason. It is further submitted that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 01.03.2023.

Learned APP appearing for the state has vehemently opposed the prayer of regular bail and submitted that the petitioner is named in the FIR and there is direct allegation against him that he committed rape upon the informant after entering in her house. As per statements of the victim recorded under Sections 161 and 164 of the Cr.P.C., which are mentioned at Paras-15 and 19 of the Case Diary, wherein she has specifically stated that the petitioner after enforcing cloth in her mouth committed rape with her.

Having heard the learned counsel for the parties and considering the fact, gravity and specific allegation against the petitioner, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.



The trial Court is directed to expedite the trial and
conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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