

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54240 of 2023

Arising Out of PS. Case No.-192 Year-2022 Thana- DUMRA District- Sitamarhi

MAHESHWAR MUKHIYA SON OF YOGENDRA MUKHIYA R/V
SHEOHAR, WARD NO. 11, PS. DUMRA, DIST- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh

For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 22-01-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 376 of the IPC and Section 4 of the POCSO Act.

As per FIR, the informant alleged that the petitioner forcibly entered his house and committed rape with her minor daughter who is aged about 14 years.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is further submitted that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 19.01.2023.



Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that the petitioner is named in the FIR and there is specific allegation against him of commission of rape upon the daughter of the informant. As per Statement of the victim recorded under Section 164 of the Cr.P.C., which is annexed with Case Diary, wherein she has stated that the petitioner entered his house and committed rape with her.

Having heard the learned counsel for the parties and considering the fact that there is direct 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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