

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71252 of 2024

Arising Out of PS. Case No.-230 Year-2024 Thana- BHAGWAN BAZAR District- Saran

Ladla Miyan @ Md. Kasif @ Md. Kasim @ Md. Julfikar S/o Md. Jamil R/o
Village- Salapatganj (Gudari), P.S.- Bhagwan Bazar, District- Saran

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Priyanshu @ Priya Sharan D/o Vidya Bhushan Pandey R/o Village-
Salapatganj (Gudari), P.S.- Bhagwan Bazar, District- Saran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Adv. Mr. Pankaj Kumar Dubey, Adv.
For the Opposite Party/s	:	Mr. Brajendra Nath Pandey, APP
For the O.P. No.2	:	Mrs. Shweta Anand, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 18-12-2024 Heard Mr. Y.C. Verma, learned senior counsel

assisted by Mr. Pankaj Kumar Dubey for the petitioner and Mr.

Brajendra Nath Pandey, learned APP for the State as also

Mrs. Shweta Anand, learned counsel for the O.P. No.2.

Perused the case diary.

2. The petitioner seeks bail in connection with

Bhagwan Bazar P.S. Case No. 230 of 2024 instituted for the

offences under Section 376 of the Indian Penal Code and

Section 4 of the POCSO Act.

3. As per prosecution case, the accusation against



the petitioner is of forcibly committing rape upon the minor victim girl.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. Learned counsel for the petitioner submits that there was a love affair between both the parties. He further submits that the medical report of the Informant (victim) as well as the petitioner fully falsify the prosecution case. The victim girl was examined medically on the same date of occurrence but, the medical report does not show any sign of intercourse. No sign of injury was also found on the body of the victim girl. Similarly, no evidence has been found on the body of the petitioner. As per medical report, the age of the victim girl is 18-20 years and, hence, no case under the POCSO Act is made out against the petitioner. In course of investigation, except family members of the Informant, no any person has supported the prosecution case. The I.O., after completion of investigation, has submitted charge-sheet against the petitioner. The petitioner has no criminal



antecedent and is languishing in judicial custody since 04.05.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State and the O.P. No.2 have vehemently opposed the prayer for grant of bail to the petitioner, stating that the Informant in her re-statement recorded in Para-6 of the case diary has corroborated the allegations made in the F.I.R. The victim girl in the statement made under Section 164 of the Cr.P.C. has also supported the prosecution case. The court below has assessed the age of the victim girl to be 14 years. The offence alleged against the petitioner is serious in nature and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bhagwan Bazar



P.S. Case No. 230 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

