

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75404 of 2023

Arising Out of PS. Case No.-133 Year-2023 Thana- AMAUR District- Purnia

Md. Badrujjama @ Badrujjama @ Mithun Son Of Md. Sadir Resident Of
Village - Belgachhi, P.S. - Amour, District - Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Akbar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

7 23-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in a case registered
for the offence punishable under Sections 341, 323, 376, 506
and 504/34 of the Indian Penal Code and Sections 6 and 8 of the
POCSO Act.

3. As per allegation in the FIR, it is a case of rape
upon the victim by the petitioner.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case. He next
submits that petitioner has got clean antecedent and he is in
custody since 03.05.2023.

5. However, learned APP for the State opposes the



prayer for bail of the petitioner.

6. On perusal of the first information report, statement under Sections 164 of the Cr.P.C. and 161 of the Cr.P.C of the victim and impugned order dated 26.09.2023, it appears that there is specific allegation for committing rape upon the victim by the petitioner and at the time of occurrence, the victim is aged about 14 years as stated by the victim which was recorded under section 164 of the Cr.P.C. and also supports the version of the FIR and statement recorded under section 161 and 164 of the Cr.P.C., it also appears from the medical report mentioned in para-26 of the case diary that pregnancy of the victim about 26 weeks to 28 weeks, so considering the above facts and circumstances of the case and the seriousness of the nature of the offence, I am not inclined to grant bail to the petitioner.

7. Prayer for regular bail of the petitioner is hereby rejected.

8. However, the trial Court is directed to conclude the trial within a period of six months.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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