

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73307 of 2023

Arising Out of PS. Case No.-248 Year-2023 Thana- BARH District- Patna

MD. IQBAL ALAM @ SAMEER SON OF MD. SAFAQUE ALAM
RESIDENT OF MASUDBIGHA, POLICE STATION - BARH, DISTRICT -
PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nuzhat Perween, Advocate
For the Informant	:	Mr.Suraj Kumar, Advocate
For the Opposite Party/s	:	Mr.Murli Dhar, APP

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

ORAL ORDER

5 07-05-2024 Heard learned counsel for the petitioner, learned
counsel for the informant, learned APP for the State and perused
the case diary.

2. The petitioner seeks bail in connection with Barh
P.S. case No. 248 of 2023 instituted for the offences under
Sections 376, 120B of the Indian Penal Code and Section 4, 6
of the POCSO Act.

3. Prosecution case, in short, is that this petitioner
committed rape upon the minor victim girl.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Learned counsel further submitted that victim and the petitioner



are relatives and the victim loves co-accused Shahnaz Khatoon. He further submitted that there is no eye-witness to the alleged occurrence. Learned counsel further submitted that petitioner has been implicated in this case merely because there is some family dispute between the mother of the victim and this petitioner. Learned counsel further submitted that medical report of the victim does not support the allegation levelled against the petitioner. It has been submitted on behalf of the petitioner that the petitioner is in custody since 27.04.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for grant of bail to the petitioner and submitted that on the ground that victim in her statement recorded u/s 164 of the Cr.P.C. has supported the prosecution version. Learned counsel for the informant further submitted that police, after investigation, submitted charge-sheet under Sections 376, 120B of the Indian Penal Code and Sections 4/6 of the POCSO Act, despite this, learned trial Court took cognizance under Sections 376-AB, 120B of the Indian Penal Code and Sections 4, 6 of the POCSO Act. Learned counsel for the informant further submitted that out of four witnesses, two witnesses have been examined by the learned trial Court.



Learned counsels, therefore, urged that petitioner may not be released on bail.

6. Having considered the submission canvassed by the learned counsel for the parties and the material available on record and taking into account the nature and gravity of offence, this Court is not inclined to grant bail to the petitioner.

7. Prayer is rejected.

8. Learned trial Court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

Alok Verma/-

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