

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78241 of 2023

Arising Out of PS. Case No.-186 Year-2023 Thana- BARSOI District- Katihar

Noor Salim Son Of Md. Sabir Resident Of Village- Kasba Toli Ps- Barsoi
(KACHNA Op), Distt- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate
		Mr. Md. Musowir, Advocate
For the Opposite Party/s :		Mr.Md. Matloob Rab, APP

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

ORAL ORDER

4 23-04-2024 Heard learned counsel for the petitioner and
learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in Barsoi (Kachna O.P.)
P.S. case No. 186 of 2023 instituted for the offences under
Sections 376, 341, 323, 313, 504 and 506 of the Indian
Penal Code and Section 4 of POCSO Act.

3. Prosecution allegation, in short, is that while the
victim left her house for defecation, the accused-petitioner
caught hold of the victim and committed rape on her.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in
the present case due to village politics. There is delay in



lodging the complaint/F.I.R. Learned counsel for the petitioner submits that no such occurrence as alleged has taken place. The doctor found no mark of injuries in or around her private parts and also no spermatozoa was found. The petitioner is in custody since 19.07.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. In Sections 161 and 164 Cr.P.C. statement, the victim has supported the allegation made in the complaint/F.I.R. The medical report also corroborates with the allegation made in the complaint/F.I.R. In paragraphs 4, 5 and 6 of the case diary, the witnesses have supported the case of the prosecution that the petitioner has committed rape on the victim. Charge-sheet has been submitted under Section 376 of the Indian Penal Code and Section 4 of POCSO Act. Hence, the petitioner does not deserve bail.

6. Considering the nature of accusation and seriousness of the allegation coupled with the statement of the victim recorded under Section 164 Cr.P.C., this Court is not inclined to grant bail to the petitioner.



7. The prayer is rejected. The Trial Court is directed to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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