

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1989 of 2024

Arising Out of PS. Case No.-691 Year-2023 Thana- FORBESGANJ District- Araria

MD ASHFAQUE S/O- MD BASIR VILLAGE MOTI TAPPU, WARD NO-
14, PATHRAHA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha

For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 03-05-2024 Learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks regular bail in connection with Special POCSO Case No. 65 of 2023 arising out of Forbesganj P.S. Case No. 691 of 2023 lodged on 28.07.2023 under Section 376(D) on the Indian Penal Code and under Section 4 of the POCSO Act.

3. As per the prosecution case, the F.I.R. has been lodged against the present petitioner and one another with an allegation that they have committed rape with the daughter of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 29.07.2023 having no



case pending against him. He further submits that from perusal of statement under Section 164 of the Cr.P.C. and the medical report, no sign of force can be seen.

5. Learned APP for the State opposes the prayer for bail.

6. Learned counsel for the informant submits that under Section 164 of the Cr.P.C., victim has narrated her statement that petitioner along with the other persons have committed rape upon her.

6. In the present fact and circumstance, this Court is not inclined to enlarge the petitioner on regular bail.

7. Accordingly, the regular bail application of the petitioner is hereby rejected.

(Dr. Anshuman, J)

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