

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2238 of 2024

Arising Out of PS. Case No.-241 Year-2023 Thana- RAJAON District- Banka

Md. Rafiq Alam @ Fulouri Son of Larte Fakruddin R/o vill - Islam Nagar, P.s.
- Rajoun, Distt. - Banka Petitioner/s

Versus

1. The State of Bihar
2. Rani Khatun D/o Md. Hira R/o vill - Islam Nagar, P.s. - Rojoun, Distt. - Banka
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

9 10-09-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Spl. POCSO Case No. 241 of 2023, registered for the offences punishable u/s 376 of the Indian Penal Code and u/s 4 of the POCSO Act.

3. As per the prosecution case, the informant stated that in the month of January, 2023 while the victim's mother had gone to hospital and her father stayed out to earn livelihood, the petitioner, who is a neighbor came to her house at 1 P.M. and took her sister to his Basha, when the victim went to the petitioner's house to bring her sister back, the petitioner raped her and threatened to kill her, if the same was disclosed to anyone. Further, the petitioner raped her several times due to which she became pregnant for four months and she narrate the story to her parents only when she became sick.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned APP for the State as well as learned counsel for the informant have opposed the bail petition of the petitioner and submitted that the materials available in the case diary reveals that the petitioner committed rape on her forcibly and due to that she became pregnant. The medical board assessed the age of the victim as between 15 to 17 years and confirmed her pregnancy test positive. The victim in her statement recorded u/s 164 of the Cr.P.C. has supported the prosecution case.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of offence against the petitioner, I am not inclined to enlarge the petitioner above-named on bail and the same is rejected.

7. Learned court below is directed to conclude the trial of the petitioner at the earliest.

8. The application stands rejected.

(Chandra Prakash Singh, J)

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