

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6328 of 2025

Arising Out of PS. Case No.-55 Year-2022 Thana- MADHWAPUR District- Madhubani

Md. Amir S/o Md. Sitarul @ Sitarul R/o vill - Rampur, Birit, P.S. -
Madhwapur, Distt.- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sakila Khatun W/o Md. Sabir R/o vill - Rampur, Birit, P.S. - Madhwapur,
Distt.- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mohammad Akhter Hussain, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-02-2025 Heard Mohammad Akhter Hussain, learned
counsel for the petitioner and Mr. Anil Kumar, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
18.09.2024 in connection with Madhawapur P.S. Case No. 55 of
2022, F.I.R. dated 05.05.2022 for the offences punishable under
Sections 448, 341, 323, 354, 363, 365, 366A, 376, 504, 506 r/w
34 of the Indian Penal Code and Sections 4/6 of the POCSO
Act.

3. According to prosecution case, this petitioner along
with other accused persons forcefully took the informant's
minor daughter with the intention of marriage and also



established physical relationship with her.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. In fact, the petitioner was in love with the victim girl and petitioner has not committed any wrong with the victim girl.

5. Learned Additional Public Prosecutor on the basis of material available on record as well as case diary has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. / Section 183 of the Bhartiya Nagarik Suraksha Sanhita in which she has categorically stated that the petitioner has committed rape upon her and apart from that medical report of the victim also suggest that the victim was subjected to sexual assault by the petitioner. And further it has been found that the age of victim was between 16 to 17 years at the time of occurrence.

6. Considering the aforesaid facts and circumstances, statement of the victim recorded under Section 164 of the Cr.P.C. / Section 183 of the Bhartiya Nagarik Suraksha Sanhita



as well as her medical report, I am not inclined to enlarge the petitioner on bail in connection with Madhawapur P.S. Case No. 55 of 2022 pending in the court of learned Additional District Judge VII, Madhubani.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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