

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5652 of 2025

Arising Out of PS. Case No.-46 Year-2024 Thana- Sri Nagar District- Purnia

Md. Altaf @ Md. Altaf Raja S/O Md. Mustakim Resident of Majra Tola, Ward No.6, P.S. - Srinagar, District - Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Kalam Khan S/O Late Gasul Khan Resident of Majra Tola, Ward No.6, P.S. - Srinagar, District - Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-02-2025 Heard Mr. Raj Kumar, learned counsel for the
petitioner and Mr. Arun Kumar Singh, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Srinagar P.S. Case No. 46 of 2024, F.I.R. dated 30.06.2024 for the offences punishable under Sections 323, 504, 506 and 376 of the Indian Penal Code and Section 3/4 of the POCSO Act.

3. According to prosecution case, petitioner has committed rape upon the daughter of the informant. When the informant came to know about the incident, they reached to the house of the accused persons where the petitioner consumed poison to informant.



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. He further submits that the date of occurrence as alleged in the F.I.R is 25.06.2024 but the present F.I.R was instituted on 30.06.2024 i.e. after delay of five days without giving any explanation of delay. He further submits that the medical examination of the victim has not supported the case of the prosecution and medical board suggested that the victim was major at the time of occurrence.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that statement of victim was recorded under Section 164 Cr.P.C./Section 183 of B.N.S.S., 2023 in which she has supported the case of the prosecution and with respect to medical report of the victim is concerned the date of occurrence as alleged in the FIR is 25.06.2024 but the medical examination of the victim was conducted on 02.07.2024 after a delay of about seven days. So, the doctor has not found any sign of sexual assault on the person of the victim.



6. Considering the allegation as alleged in the F.I.R and the material available on record, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Srinagar P.S. Case No. 46 of 2024 pending in the court of learned 6th Addl. Sessions Judge-cum-Spl. Judge, POCSO, Purnea.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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