

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13654 of 2025

Arising Out of PS. Case No.-72 Year-2024 Thana- Bargaon District- Darbhanga

Md. Hakim S/O Late Fulo @ Ful Hasan R/O Vill.- Mamsara, P.S.- Bargaon,
District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Yahaya S/O Md. Ramjanii R/O Vill.- Mamsara, P.S.- Bargaon, District-
Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar, Advocate
For the Opposite Party/s	:	Mr. Parmanand Prasad, APP
For the Informant	:	Mr. Anjani Kumar Sinha, Advocate

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

ORAL ORDER

3 11-08-2025 Heard learned counsel for the petitioner, learned
APP for the State, learned counsel for the informant and perused
the case diary.

2. The petitioner seeks bail in connection with
Badgaon P.S. Case No. 72 of 2024, instituted for the offences
punishable under Section 64(1) of the Bharatiya Nyaya Sanhita,
2023 and Section 4 of the POCSO Act.

3. The prosecution case, in short, is that the petitioner
forcefully took informant's minor daughter to straw house and
tried to commit rape with her.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner also submits that the allegation levelled against the petitioner is general and omnibus in nature. No specific allegation has been attributed against the petitioner. It is further submitted that the victim has been examined by the doctor and no positive evidence of recent sexual intercourse found against the petitioner. The petitioner is a 72 years old man, he in custody since 15.11.2024 and has got no criminal antecedent.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner and submits that there is specific allegation against the petitioner of committing rape upon minor daughter of the informant. It is further submitted that statement of the victim was not recorded because the victim is deaf and dumb rather statement of victim's mother has been recorded under Section 164 of Cr.P.C. in which she has supported the prosecution case. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, 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.

(Rudra Prakash Mishra, J)

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