

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15891 of 2025

Arising Out of PS. Case No.-36 Year-2024 Thana- MAHILA P.S. District- Bhagalpur

Md. Azhar Son of Md. Yunus Resident of Village - Rahmatbag, P.S. -
Masudanpur (Nathnagar), District - Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX Daughter of Md. Iqbal Resident of Village - Rahmatbag, P.S. -
Madhusudanpur, District - Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-07-2025 Heard Mr. Rajive Ranjan Singh, learned counsel for

the petitioner and Mr. Jai Narain Thakur, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
12.01.2025, in connection with Mahila P.S. Case No. 36 of
2024, FIR dated 02.06.2024 registered for the offence under
Sections 376D, 341, 323, 504, 506, 34 of the Indian Penal Code
and Section 04/6 of POCSO Act.

3. According to the prosecution case, the informant
alleged that she along with Md. Ide were working as cleaner at
the house of Md. Mojahid and both stayed in the same room and
in between this Md. Ide used to make physical relation with her.



In the meantime at about six months prior, the petitioner made physical relation with her on false pretext of marriage.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in this case. From bare perusal of the FIR it appears that the allegation against the petitioner that the petitioner made physical relation for six month with the victim but as per medical report she was pregnant for eight month so entire allegation was false and fabricated and apart from that DNA report suggest that the biological father of the child is co-accused person, namely, Md. Ide and this petitioner is not the biological father of the child. The petitioner is rotting in judicial custody since 12.01.2025.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that it appears from the FIR itself that petitioner and other co-accused person have committed rape upon the victim and apart from that the statement of the victim was recovered under Section 164 Cr.P.C/183 BNSS in which she has categorically stated that the petitioner has also committed rape upon her.

6. Considering the facts and circumstances of the



case, I am not inclined to enlarge the petitioner on bail in connection with Mahila P.S. Case No. 36 of 2024, pending in the Court of Additional District Sessions Judge 6th-cum-Exclusive Special Judge POCSO, Bhagalpur.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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