

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50220 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- BELSAND District- Sitamarhi

Md. Khursid @ Khursid @ Mintu S/o Md. Kalim R/o vill - Maulanagar, ward no. 3, P.S. - Belsand, Distt. - Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Mahphuj Alam S/o Late Md. Hadis R/o Vill - Maula Nagar ward no. 3, P.S. - Belsand, Dist. - Sitamarhi

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

7 08-01-2025 Heard learned counsel for the petitioner and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Belsand P.S. Case No. 12 of 2024 instituted for the offence under Sections 376(2)(Ch), 376(2)(h), 376(2)(n), 504, 506 & 34 of the Indian Penal Code and Sections 4, 5(f), 5(1), 5(q) of the POCSO Act.

3. The allegation against the petitioner is of committing rape upon the victim and exploiting her sexually on the pretext of marriage as a result which, victim became pregnant and on 31-01-2024, gave birth to a child and petitioner refused to marry her.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 07-03-2024. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that from perusal of the FIR, there was love affair between the petitioner and the victim girl and physical relation had been established between them with consent. It is next submitted that family of the petitioner are ready for their marriage but when the victim girl gave birth to a female child, prior to marriage, then the informant lodged the present case. It is lastly submitted that petitioner is still ready to keep the victim and child.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to statement of the victim recorded under Section 164 of the Cr.P.C., victim has supported the prosecution case. Witnesses have also supported the prosecution case. It is fervently submitted that the present case is very heinous in nature and petitioner does not deserve the privilege of bail.

7. Considering the aforesaid facts and circumstances



of the case, material available against the petitioner in the case diary and specifically taking into account the nature and gravity of the offence, this Court, at this stage, is not inclined to grant bail to the petitioner. Prayer for bail is accordingly *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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