

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69251 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- MAHILA P.S. District- Siwan

Shahid Ali S/o Samsul Haque @Md. Samshulhak Hawari Resident of Vill-
Vishunpura, P.S- Jamo, Distt. - Siwan

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. XXXXXXXX P.S. - Jamobazar, Distt. - Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Prasad, Advocate
For the Opposite Party/s : Ms. Sangeeta Sharma, APP

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

ORAL ORDER

4 22-01-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Siwan
Mahila P.S. Case No. 10 of 2024 instituted for the offences
under Section 376 of the Indian Penal Code and Sections 4/6 of
the POCSO Act.

3. Accusation against the petitioner is of commission
of rape upon the victim.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Learned counsel for the petitioner submitted that general and
omnibus allegation has been made against the petitioner. No



specific overt act is alleged against the petitioner. Learned counsel further submitted that police after investigation submitted charge-sheet only under Sections 376, 506 of the Indian Penal Code and not under the POCSO Act. It has been submitted on behalf of the petitioner that the petitioner is in custody since 14.05.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that victim in her statement recorded under Section 164 of the Cr.P.C. has corroborated the contents of the FIR and this fact is further supported by the medical report of the victim.

6. Considering the aforesaid facts and circumstances of the case and Section 164 Cr.P.C. statement of the victim supported by medical evidence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for grant of bail is rejected.

(Rudra Prakash Mishra, J)

Alok Verma/-

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