

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77713 of 2024

Arising Out of PS. Case No.-326 Year-2022 Thana- AMAUR District- Purnia

Md. Tabarak @ Tabarak Ali @ Md Tabarak Ali @ Tabarak Son of Md. Mamnun Resident of village- Rani, PS -Amour, District -Purnia

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md Sakur Alam Son of Late Abdul Sattar Resident of Rani, Ward No. 10, P.S.- Amour, Distt.- Purnia

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bidhu Ranjan, Advocate
For the State	:	Mr. Md. Mushtaque Alam, APP
For the Informant	:	Mr. Mritunjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 27-01-2025 Heard learned counsel for the petitioner and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Amour P.S. Case No. 326 of 2022 instituted for the offence under Sections 376, 506 & 34 of the Indian Penal Code. Later on, Section 6 of the POCSO Act was added.

3. As per prosecution case, accusation against the petitioner is of committing rape upon the daughter of the informant.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 29-05-2024. Petitioner bears one 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. As per the FIR, the victim is aged about 21 years. It is next submitted that date of occurrence is 07-04-2022 and the present FIR has been lodged on 25-11-2022, after delay of seven months. Learned counsel submits that petitioner established physical relation with the victim on her own volition and she never disclosed the occurrence to anyone, but only after she was taken to hospital, doctor detected pregnancy, whereafter the present case has been lodged. It is submitted that there is title suit pending between the parties, which is annexed at Annexure-P/2 to the bail application. It is lastly submitted that charge sheet has been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that victim in her confessional statement recorded under Section 164 of the Cr.P.C. has supported the prosecution case. Medical report also corroborates the allegation levelled against the petitioner. Several witnesses have also supported the prosecution case, which fact finds mention at paragraph Nos. 5, 6, 7 & 8 of the case diary.



7. Considering the aforesaid facts and circumstances of the case, there being direct allegation of rape upon the petitioner, which is corroborated by the medical report as also the statement of the victim recorded under Section 164 of the Cr.P.C., this Court, at this stage, is not inclined to grant bail to the petitioner. Accordingly, the prayer for grant of bail is *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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