

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79269 of 2024

Arising Out of PS. Case No.-484 Year-2024 Thana- ARA NAGAR District- Bhojpur

Md. Urfan @ Lala @ Md. Irfan @ Lal Son of Md. Golden @ Md. Godem
Resident of Mohalla- Bhalubipur , P.S. - Ara (Town) , District - Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prabha Devi Wife of Subodh Sah R/o- Mohalla- Bhalubipur, P.S.- Ara (Town), Distt.- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Binod Kumar, APP

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

ORAL ORDER

5 03-03-2025 Heard learned counsel for the petitioner and learned
APP for the State. No one appears on behalf of the O.P. No.2
despite valid service of notice upon her. Perused the case diary.

2. The petitioner seeks bail in connection with Ara
(Town) P.S. Case No. 484 of 2024 instituted for the offences
under Sections 64/351(2) of the B.N.S. and Section 4/8 of the
POCSO Act.

3. As per prosecution case, the accusation against the
petitioner is of making physical relationship with the minor
Informant's daughter on the false pretext of marriage.

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



present case with false and frivolous allegations. The petitioner has not committed any offence as alleged in the F.I.R. He further submits that the Informant has not disclosed the date and time of occurrence which creates doubt in the prosecution case. From the medical report, it appears that the doctor has not found any evidence of injury on her whole body including her private part. There is also no sign of sexual assault on the victim and her age has been assessed in between 18-20 years. There was a love-affair between the petitioner and the victim girl for last few months and there was also physical relationship between them which she has also admitted in her statement recorded under Section 183 of the B.N.S.S. The petitioner has no criminal antecedent and is languishing in judicial custody since 03.09.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The victim girl is minor and she, in her statement recorded under Section 183 of the B.N.S.S., has corroborated the allegation made in the F.I.R. The witnesses in Para-7 and 8 of the case diary have supported the prosecution case. In Para 37 of the case diary, the father of the victim girl has supported the



prosecution case. The Investigating Officer after completion of investigation has submitted the charge-sheet under Sections 64(1)/351(2) of the B.N.S. and Section 4/8 of the POCSO Act. The petitioner is named in the F.I.R. and, hence, he does not deserve bail.

6. Having heard learned counsel for the parties and considering the nature and gravity of the offence as also taking into account the statement of the victim girl recorded under Section 183 of the B.N.S.S., this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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