

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80385 of 2024

Arising Out of PS. Case No.-27 Year-2024 Thana- MAHILA P.S District- West Champaran

Afroj Mian Son of Rojid Mian Resident Of Village- Kapardhika, PS-
Bhairoganj, Distt.- West Champaran

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Jamila Khatoon Wife of Shamsad Baitha Resident of Kapardhika, P.S.-
Bhairoganj, Distt.- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Kishun Prasad, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP
For the Informant : Mr. Vijay Kumar Singh No. 1, Advocate

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

ORAL ORDER

4 19-02-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State. Perused
the case diary.

2. The petitioner seeks bail in connection with Bagaha
Mahila P.S. Case No. 27 of 2024 instituted for the offences
under Sections 341, 323, 376, 34 of the Indian Penal Code and
4 of the POCSO Act.

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

4. Learned counsel for the petitioner submitted that the
petitioner is innocent and has not committed any offence as
alleged in the FIR and has falsely been implicated in the present



case with ulterior motives. Learned counsel further submitted that there was love affair between the petitioner and the victim girl. It has been submitted on behalf of the petitioner that the petitioner is in custody since 02.09.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that victim in her statement recorded under Section 183 of the Bharatiya Nagarika Suraksha Sanhita has specifically stated that this petitioner made forcible physical relations with her. Learned APP and learned counsel for the informant, therefore, pray that the petitioner may not be released on bail.

6. Considering the aforesaid facts and circumstances of the case, statement of the victim recorded under Section 183 of the BNSS, this Court is not inclined to grant bail to the petitioner.

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

(Rudra Prakash Mishra, J)

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