

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86693 of 2024

Arising Out of PS. Case No.-400 Year-2023 Thana- MADHUBAN District- East Champaran

Shibu Sahabuddin Khan @ Sebu, S. Khan Son of Tanveer Khan
Resident of Village- Jagaulia Tola, Gulab Khan, PS- Madhuban,
District- East Champaran

... .. Petitioner/s

Versus

- 1 . The State of Bihar
2. Hasina Khatoon Wife of Naseem Resident of Village- Jugolia, Gulab Khan, P.S.- Madhuban, Distt.- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Md. Iqbal Hasan Rahmani , Advocate
For the Opposite Party/s : Mr. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 14-02-2025 Heard learned counsels for the parties.

2. The petitioner seeks regular bail in a case registered for the offence punishable under Section 376 of the Indian Penal Code and Section 4 of the POCSO Act.

3. As per prosecution case , on the alleged date and time of occurrence , this petitioner is alleged to have forcibly taken the informant's minor daughter to an abandoned house



and committed rape .

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner has falsely been implicated in this case due to village politics . The F.I.R. has been lodged after delay of more than two days, without any explanation for the same . It is further submitted that there is contradiction in the statement of the victim and that of the informant with regard to time of occurrence . Police after investigation submitted chargesheet only under Section 323 , 504 and 506 of IPC and Section 10 of POCSO Act. The allegation of rape and penetrative sexual assault has not been found to be true in any stage of investigation . Petitioner is in custody since 04.06.2024 .

5 . Learned A.P.P. for the State vehemently opposed the prayer for grant of bail and submitted that specific accusation is against this petitioner that he forcibly committed rape upon the victim. The victim in her statement recorded under Section 164 Cr. P C has supported the prosecution case . The victim is minor.

6. Considering the rival submissions, statement of the victim recorded under Section 164 Cr.P.C and other circumstances of the case , the prayer for regular bail to the



petitioner is rejected.

(Prabhat Kumar Singh, J)

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