

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74108 of 2024

Arising Out of PS. Case No.-227 Year-2024 Thana- AMAUR District- Purnia

Md. Masnoon @ Masnoon S/o Md. Mamnoon R/o Barbatta, Ward No.5, P.S.-
Amaur, Distt.- Purnea. Petitioner/s

Versus

1. The State of Bihar.
2. Md. Jubair Alam, S/o Late Latif, R/o Barbatta, Ward No.5, P.S.- Amaur,
Distt.- Purnea. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhishek, Advocate
For the Opposite Party/s	:	Mr. Navin Kumar Pandey, APP
For the Informant	:	Mr. Fazle Karim, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 22-01-2026 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioner apprehending his arrest in

connection with Amaur P.S. Case No. 227 of 2024 registered for

the offences punishable under Sections 376, 385 of the Indian

Penal Code and Section 6 of POCSO Act.

3. The allegation against the petitioner is to commit

rape/penetrative sexual assault upon minor daughter of the

informant aged about 16 years.

4. It is submitted by learned counsel appearing on

behalf of the petitioner that during course of investigation the

victim was found aged about 22 years even as per her school



certificate her date of birth was found as 01.01.2003 as issued by Bihar School Examination Board. It is submitted that out of neighbourhood disputes and differences, the petitioner was implicated falsely with present case.

5. Arguing further, it is pointed out by learned counsel that upon medical examination nothing incriminating was found by the doctor, which may suggest *prima facie* that alleged rape was committed upon minor daughter of the informant. It is also submitted that video which alleged to be made viral was also not seized during the course of investigation as to ascertain the veracity of the allegation.

6. Concluding argument, it is submitted that victim already married with someone else and, further, petitioner is a man of clean antecedent.

7. Learned APP opposed the prayer of bail.

8. Learned counsel Mr. Fazle Karim, appearing on behalf of the informant, while opposing the prayer of bail submitted that during course of investigation the statement of victim was recorded under Section 164 of Cr.P.C., where she categorically stated that this petitioner committed rape upon her and captured the video of rape through his mobile and, thereafter, same was made viral to social media platform. It is submitted that non



finding of medical injury does not lead to conclusion *ipso facto* that rape was not committed upon. Contradicting the age, it is pointed out that during investigation the victim found minor in terms of Madarsa Board Certificate as her age on the date of occurrence was about 16 years, considering her date of birth as 01.01.2008.

9. In view of aforesaid factual submissions and by taking note of fact as the allegation *qua* committing penetrative sexual assault/rape is available against this petitioner in terms of the statement of victim recorded under Section 164 of Cr.P.C., accordingly the prayer of anticipatory bail of petitioner stands rejected.

(Chandra Shekhar Jha, J)

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