

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30791 of 2014

Arising Out of PS.Case No. -24 Year- 2014 Thana -DIGHALBANK District- KISANGANJ

1. Md. Jamal, Son of Ibrahim, resident of village- Saheb Nagar, Bandh tola,  
Police Station- Mansahi, Distt.- Katihar

2. Abu Talib, Son of late Azhar Ali, resident of village- Binodpara, Khalwat  
tola Kajla, P.S.- Dighalbank, Distt.- Kishanganj

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

Appearance :

For the Petitioner/s : Mr. Najmul Hoda, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

5 28-01-2015

Heard learned counsel for the petitioners and learned  
counsel for the State.

The petitioners seek bail in connection with  
Dighalbank P.S. Case No. 24 of 2014 registered for the offences  
punishable under Sections 376 read with 34 of the Indian Penal  
Code as well as 3(1)(xii) of S.C. & S.T. (Prevention of  
Atrocities) Act.

It has been contended that the petitioners have been  
roped in a false and frivolous case with ulterior motives. During  
course of medical examination, no sign of sexual intercourse

was found. It has also been contended that it is highly improbable that one of the accused persons would have caught hold of the victim and the other one would have ravished her.

Learned counsel for the State has vehemently opposed the prayer for bail. He has submitted that the victim has corroborated her statement made in the FIR in course of investigation under Section 161 of the Code of Criminal Procedure. The doctor who has examined the victim has not ruled out possibility of rape.

Having regard to the nature of allegation as well as the facts and circumstances of the case, the prayer for bail of the petitioners is rejected for the present.

However, in case the trial is not concluded within nine months from the date of framing of charge, the petitioners would be at liberty to renew their prayer for bail.

**(Ashwani Kumar Singh, J.)**

Sanjeet/-

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