

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34363 of 2015

Arising Out of PS.Case No. -16 Year- 2015 Thana -BASNAHI District- SAHARSA

1. Md. Jubair @ Juber @ Md. Jubaid Alam S/o Late Md. Allauddin
Resident of Village Pama, P.S. Basnahi, District Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh

For the Opposite Party/s : Mr. Madhuranand Jha(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 10-11-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Basnahi
P.S. Case No. 16 of 2015 registered for the offence punishable
under Sections 376, 506 of the Indian Penal Code.

Allegedly, the petitioner forcibly committed rape with
the informant in the maize field and after causing threats started
fleeing away but due to alarm being raised by the informant Md.
Raju came who saw the petitioner fleeing away.

Submission is of false implication and that the
written report is only signed by the informant but its hands writing
is of other person. Prosecution story appears not probable as in the
day time several persons used to work in their field. The doctor

has not found any injury on her person. The petitioner is handicapped by 40 % and as such the petitioner who is suffering in custody since 01.03.2015 deserves sympathetic consideration to which the learned APP opposes by submitting that Md. Raju has supported the allegation that he saw the petitioner fleeing away vide para 5 of the case diary and he brought the informant at the house.

In the facts and circumstances stated above and considering the allegation attributed against the petitioner is serious in nature, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

However, the trial court is directed to expedite the trial and conclude the same in view of the amended proviso of Section 309 of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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