

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32603 of 2015

Arising Out of PS.Case No. -607 Year- 2014 Thana -FORBESGANJ District- ARRARIA

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1. Md. Julphekar @ Zulfakar @ Zulfekar S/o Md. Zahiruddin @ Md. Zahir
resident of village- Shankarpur Aurahi, P.S. Simraha, District Araria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Amit Kumar Rakesh (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 09-11-2015 Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under sections 448 and 376 of the I.P.C

Allegedly, the petitioner entered into the house of the
informant and started committing sexual assault which was
protested and on alarm being raised the uncle and neighbourers
came who caught the petitioner.

Submission is of false implication and that the
prosecution story appears not probable and reliable. The petitioner
was not armed with any weapon and as such it was not possible to
commit rape without consent or without causing threats. The
informant has been examined by the doctor and no mark of fresh

injury was found and further in pathological examination also no spermatozoa either dead or alive has been found and as such the petitioner who is suffering in custody since 25.07.2014 deserves sympathetic consideration as the informant has filed compromise petition also.

The learned A.P.P. opposes prayer for bail by submitting that the informant has supported the allegation in her further statement and the witnesses are also supporting the same.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, serious in nature, this Court is not inclined to enlarge the petitioner on bail and as such his such prayer stands rejected in connection with S.T. No. 07 of 2015 arising out of Forbesganj P.S. Case No. 607 of 2014 pending in the court of 1st Additional Sessions Judge, Araria.

(Jitendra Mohan Sharma, J)

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