

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37366 of 2015

Arising Out of PS.Case No. -155 Year- 2014 Thana -BALRAMPUR District- KATIHAR

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1. Md. Majidul @ Manjhi @ Majidul Son of Md. Sajjad Ali, Resident of
village- Daribhitta, P.S.- Balrampur, District- Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Musowir

For the Opposite Party/s : Mr. Dr.M.K.Gautam(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 01-09-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner is said to have committed rape upon the
informant, who claims herself to be minor though medical board
opined that her age was between 18 to 19 years.

The contention on behalf of the petitioner is that the
informant was a consenting party and as a matter of fact, when the
family members of petitioner did not permit the petitioner to
solemnize his marriage with the informant, the informant lodged
this false case against the petitioner as well as his family members
to amount pressure upon them. It is further contended by him that
after passage of time the informant realized her fault and entered
into compromise with the petitioner which is evident from perusal

of Annexure-4 to this petition.

Considering the aforesaid facts and circumstances and also taking note of this fact that the trial of the petitioner has already commenced, I do not feel it proper to release the petitioner on bail, at least, at this stage. Accordingly, the prayer for bail of the petitioner in connection with Balrampur P.S.Case No. 155 of 2014 G.R.No. 2828 of 2014, pending in the court of learned Special Judge, Katihar stands rejected.

However, petitioner may renew his prayer for bail before the trial court itself, after examination of the informant in course of trial and it is made clear that if the informant does not support the case of prosecution in course of trial, the trial court shall consider the regular bail petition of the petitioner in right perspective.

(Hemant Kumar Srivastava, J)

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