

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.49908 of 2014**

Arising Out of PS.Case No. -81 Year- 2013 Thana -DIGHALBANK District- KISANGANJ

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Azizur Rahman

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Radha Mohan Singh

For the Opposite Party/s : Dr. Kumar Uday Pratap (A.P.P.)

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**CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI**  
**ORAL ORDER**

03 01-04-2015

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor assisted by the learned counsel for the informant.

Petitioner is said to have mauled the victim while she was alone in a field.

It has been submitted on behalf of petitioner that he has been falsely implicated on account of some sort of dispute in the background of the fact that informant's father happens to be *Bataidar* of the petitioner. It has also been submitted that one Tahrun Nisha, recorded under Para-88 of the case diary nullified the allegation as she had accompanied the victim to the *Mung* field as well as also returned there from along with informant. She had also shown ignorance with regard to any sort of occurrence. It has also been submitted that victim was medically examined and as

per report, there happens to be absence of evidence of any sort of sexual activity having been committed with her. So submitted that petitioner is entitled for bail.

On the other hand, learned Additional Public Prosecutor assisted by learned counsel for the informant opposed the prayer and submitted that the occurrence happens to be committed on 17.06.2013 while F.I.R. was registered on 19.06.2013 and the delay in getting the F.I.R. placed, is itself incorporated therein substantiated by other PWs and that happens to be reason behind absence of corroborative medical evidence on that very score. Furthermore, the evidence of victim, more particularly in rape case, happens to be paramount consideration.

That being so, I do not see it a fit case for grant of bail. Accordingly, prayer of petitioner for bail is rejected.

**(Aditya Kumar Trivedi, J)**

Vikash/-

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