

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26431 of 2015

Arising Out of PS.Case No. -56 Year- 2014 Thana -DIGHALBANK District- KISANGANJ

1. Anikul son of Ayub Ali, Resident of village- Matya Bhitta, Police Station- Pothia, District- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 12-10-2015 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 376 and 120 (B)/34 of the I.P.C

The allegation against the petitioner is that he committed rape with the prosecutrix, whereas, co-accused put cloth on her mouth.

Submission is of false implication and that the F.I.R. has been lodged after much delay. The occurrence is of 19/ 20.05.2014 of the night, whereas, fardbeyan was lodged on 26.05.2014. The prosecutrix has been married with the petitioner and the brother of the prosecutrix has been examined in Sessions Trial No. 1194 of 2014 and he has disclosed that the petitioner has

married with his sister and in medical evidence also the allegation has not been corroborated and the age of the victim has been found 16 to 18 years.

The learned A.P.P. opposes prayer for bail.

In the facts and circumstances as stated above, considering that there is allegation against the petitioner for committing rape with the prosecutrix and the prosecutrix has not been examined as yet and as such at this stage 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. 1194 of 2014 arising out of Dighalbank (Korhobari) P.S. Case No. 56 of 2014 pending in the court of Sessions Judge, Kishanganj.

(Jitendra Mohan Sharma, J)

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