

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47762 of 2014

Arising Out of PS.Case No. -19 Year- 2014 Thana -MAHILA P.S. District- BHAGALPUR

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MD. SAJID ALAM SON OF MD. INSUL @ MD. INSUL ALAM
RESIDENT OF VILLAGE UJANI, POLICE STATION NAUGACHIA,
DISTRICT BHAGALPUR.

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance:

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Madan Kr. Addl. P.P. Incharge

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 02-04-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

There happens to be specific allegation against the
petitioner to have committed rape upon informant.

Learned counsel for the petitioner raised manifold
argument to discredit version of the informant. The first and
foremost happens to be relating to medical examination which
did not support the allegation of rape. The second point
happens to be that own brother-in-law of informant had
questioned character of the victim and so, the allegation of rape
has purposely been introduced. The third aspect that there
happens to be inconsistency in between the statement of victim
detailed under written report as well as statement under
Section 164 Cr.P.C. She had alleged in her statement under
Section 164 Cr.P.C. that an earlier occasion also she was raped
by the petitioner.

The learned Additional Public Prosecutor opposed the prayer and submitted that there happens to be consistent version of the informant regarding commission of the rape at the end of petitioner.

There happens to be specific disclosure in the written report that informant happens to be orphan on account of death of her parents and that happens to be her weakest point which has been exploited by the petitioner and on account thereof, I do not see it a fit case for grant of bail. Consequent thereupon, prayer of bail is rejected.

Superintendent of Police, Naugachia is directed to produce all the witnesses within three months, simultaneously the court below is directed not to grant undue adjournment and within five months the trial has to be concluded. In case there happens to be failure on the part of either Superintendent of Police, Naugachia or the court concerned, will have to face consequence as the petitioner happens to be under custody since 01.05.2014 without having any progress.

Let a copy of this order be served upon Superintendent of Police, Naugachia for proper compliance.

District & Sessions Judge, Bhagalpur is directed to keep this record under his personal surveillance.

(Aditya Kumar Trivedi, J.)

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