

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49550 of 2015

Arising Out of PS.Case No. -165 Year- 2012 Thana -ARARIA District- ARRARIA

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1. Md. Salique @ Fochu Son of Md. Ekhlakh, Resident of Village -
Kakorwa Basantpur, Police Station & District - Araria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Ganesh Pd. Singh(App)

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

ORAL ORDER

2 11-12-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Araria P.S.
Case No. 165 of 2012 registered for the offences punishable under
Sections 493, 376/34 of the Indian Penal Code.

Allegedly the informant aged about 16 years went to
attend the call of nature and then the petitioner forcibly committed
rape with her and gave assurance to marry with her, resulting the
informant did not made any complaint and the petitioner on that
assurance started committing rape on her, resulting the informant
became pregnant and then the petitioner refused to marry with her
and demanded Rs. 50,000/-.

Submission is of false implication and that the

informant was a consenting party and, as such, no offence under Section 376 I.P.C. is made out. There is vital contradiction in the fardbeyan and statement recorded under Section 164 Cr.P.C., the victim was examined on 08.05.2012 and she was having pregnancy of 36 weeks and, as such, the prosecution case appears doubtful and the petitioner is suffering in custody since 04.06.2015.

The learned A.P.P. opposes the prayer of bail by submitting that the informant being minor question of consent does not arise.

In the facts and circumstances stated above, considering the nature of allegation, this Court is not inclined to enlarge the petitioner on bail and accordingly, such prayer stands rejected.

However, the trial court is directed to expedite the trial and conclude the same as per amended proviso of Section 309 Cr.P.C.

(Jitendra Mohan Sharma, J)

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