

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36749 of 2014

Arising Out of PS.Case No. -41 Year- 2014 Thana -SAKRI District- MADHUBANI

=====

Safiqullah Khan @ Md. Safiqullah Khan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ram Shankar Das

For the Opposite Party/s : Mr. R.N. Jha (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 15-01-2015

Heard learned counsels for the petitioner and the State.

The petitioner is languishing in jail since 08.05.2014 in a case registered for the offences punishable under Sections 376, 313, 315 and 120B of the Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act.

The accusation is of establishing forceful physical relationship with 14 years old daughter of the informant on promise of marriage but the marriage was not performed and pregnancy was terminated.

It is submitted by learned counsel for the petitioner that the accusation of rape is not being corroborated by the medical opinion. The FIR has been lodged with inordinate delay and even assuming the accusation, no case under Section 376 of the IPC is made out.

Considering the fact that the medical board assessed the age of the victim as 17 years, though, no positive finding with regard to commission of rape has been opined by the doctor but the medical opinion suggests that the pregnancy was terminated, this Court is not inclined to grant bail to the petitioner.

Accordingly, the application is rejected in connection with Sakari P.S. Case No. 41 of 2014 pending in the court of learned 1st Addl. Sessions Judge, Madhubani.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--