

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5246 of 2016

Arising Out of PS.Case No. -506 Year- 2015 Thana -LAKHISARAI District- LAKHISARAI

1. Md. Sajjad @ Shahzad Son of Md. Nasir Resident of Village- Oraiya,
P.S. Lakhisarai, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh

For the Opposite Party/s : Mr. Anita Kumari Singh (App)

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

ORAL ORDER

3 30-03-2016

Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. representing the
State.

The petitioner seeks bail in connection with Lakhisarai
P.S. Case No. 506 of 2015 registered for the offence punishable
under Section 376 of the Indian Penal Code.

Allegedly, petitioner committed rape forcibly with the
informant and when the informant told him to make complaint
then the petitioner assured her to perform *Nikah* and thereafter
started developing sexual relationship daily and called her at
Mumbai and there relative of the petitioner became annoyed and
the informant was kicked out from the house resulting she was
brought at Mumbai police station, she alleged that she is pregnant
of two months.

Submission is of false implication and that in the First

Informant Report the informant has given her age 17 years but in the statement recorded under Section 164 Cr.P.C. she has stated her age 20 years and the learned Magistrate has assessed her age 19 years, the doctor who has examined the informant has found pregnancy of ten weeks three days and, as such, the informant was pregnant prior to the alleged date of occurrence and only with a view to put pressure, lodged this false case resulting the petitioner is suffering in custody since 08.12.2015.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that in view of the statement of the victim/informant in the First Information Report as well as in her statement recorded under Section 164 Cr.P.C. the petitioner does not deserve bail as firstly the petitioner committed rape forcibly.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner serious in nature, I am not inclined to enlarge the petitioner on bail and accordingly, his 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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