

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5275 of 2016

Arising Out of PS.Case No. -241 Year- 2015 Thana -POTHIYA District- KISANGANJ

=====

1. Alauddin @ Md. Alauddin Alam, Son of Gulam Mustafa @ Marwakhua,
resident of Village- Udgara, Police Station- Pothiya in the district of
Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Opposite Party/s : Mr. Uday Pratap Singh(App)

=====

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

3 31-03-2016 Heard the learned counsel for the petitioner as well as

the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 323, 376, 504 and 506/34 of the I.P.C

Allegedly, the petitioner committed rape forcibly with
the informant and when she started weeping the petitioner assured
her to marry with her and on that assurance started developing
sexual relationship with her resulting the informant became
pregnant, but later on refused to marry with her.

Submission is of false implication and that the
petitioner has been falsely implicated, he is not the driver of the
tractor rather he is student, some of the witnesses have not

supported the prosecution version and the doctor who has examined the victim has found pregnancy of twenty weeks and as such the petitioner deserves sympathetic consideration, to which the learned A.P.P. opposes by submitting that the first occurrence was caused four months ago and as such the medical evidence is not inconsistent.

In the facts and circumstances as 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 in connection with Pothiya P.S. Case No. 241 of 2015 pending in the court of C.J.M. Kishanganj.

However, considering detention of the petitioner, let the trial be expedited and concluded as per the amended proviso of section 309 of the Cr.P.C.

(Jitendra Mohan Sharma, J)

Abhay/-

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