

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8876 of 2016

Arising Out of PS.Case No. -210 Year- 2015 Thana -BIHRA District- SAHARSA

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1. Md. Sarafraj Alam @ Md. Sarafraj Son of Md. Nasir resident of village -
Sattar Gowdam Tola, P.S. Bihra, District - Saharsa

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Ram Chandra Sahni(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 26-04-2016 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 offence

punishable under section 376 of the I.P.C

Allegedly, the sister of the informant saw the

petitioner committing rape with the wife of the informant and then

the informant also went there and saw the petitioner committing

rape with his wife who is dumb and handicapped.

Submission is of false implication and that the

medical evidence does not support the sexual assault, statement of

the victim has also not been recorded and as such the petitioner

deserves sympathetic consideration, to which the learned A.P.P.

seriously opposes.

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 Bihra P.S. Case No. 210 of 2015 pending in the court of the C.J.M. Saharsa.

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)

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