

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50517 of 2015

Arising Out of PS.Case No. -16 Year- 2015 Thana -MAHILA P.S. District- ARRARIA

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Rahib, son of Wasique, Resident of village - Gaiyari, P.S. Araria, District - Araria

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Nadimul Hasan

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 03-02-2016 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 petitioner forcibly committed rape with Noorsaba, the daughter of the informant at the point of knife as she was alone in the house.

Submission is of false implication and that the F.I.R. has been lodged after delay without any explanation, as a matter of fact, the petitioner was married with the daughter of the informant on 7.5.2015 and Nikahnama was performed. In support of that affidavit was also sworn before the Notary, Civil Court, Araria, without any legal material, the petitioner is suffering in custody

since 20.7.2015 as the doctor has not found any sign of rape and further the victim has not been examined to which the learned A.P.P. opposes by submitting that the victim has been examined vide paragraph-2 of the case diary wherein she has supported the allegation of rape by the petitioner.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner, serious and heinous in nature, this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Araria, Mahila P.S. Case No.16 of 2015 pending in the court of S.D.J.M., Araria, District- Araria.

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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