

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53580 of 2015

Arising Out of PS.Case No. -39 Year- 2015 Thana -MAHILA P.S. District- KISANGANJ

1. Md. Noor Jamal, Son of Gul Mohammad, resident of Village
Mechhabari, Police Station Pothia, District Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner : Mr. Najmul Hoda, Advocate.

For the State : Mr. Ajay Kumar- 2 (APP)

For the Informant: Mr. Rounak Kumar Singh, Advocate.

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

4 18-02-2016 Heard the learned counsel for the petitioner, the
learned A.P.P for the State as also the learned counsel for the
Informant.

The petitioner seeks bail in a case for the offence
punishable under section 376 of the I.P.C

Allegedly, the petitioner committed rape with the
informant forcibly when she has gone to give water to the she-goat
and thereafter gave assurance to marry with her and caused threats
not to divulge the incident. The petitioner thereafter used to
commit rape with her and lastly committed rape on 21.06.2015
and then Panchayati was done but the petitioner and his men
assaulted the informant and caused threats.

Submission is of false implication and that during investigation it has come that love affair was going on between the petitioner and the informant, no offence under section 376 I.P.C. is made out, sexual relationship was developed with consent and as such the petitioner deserves sympathetic consideration, to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes by submitting that the victim in her statement recorded under section 164 Cr. P.C. has supported the allegation of rape and further at first the victim-informant was forcibly raped by the petitioner.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, serious in nature, this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Kishanganj Mahila P.S. Case No. 39 of 2015 pending in the court of Shri Krishna Kumar Chaudhary, J.M. 1st Class, Kishanganj.

(Jitendra Mohan Sharma, J)

Abhay/-

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