

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13475 of 2016

Arising Out of PS.Case No. -52 Year- 2013 Thana -BHAWANIPUR District- PURNIA

=====

1. Md. Jishan @ Md Jishan Alam, Son of Md Rizwan, Resident of Village-
Chappan, P.S.- Bhawanipur, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nadimul Hasan

For the Opposite Party/s : Mr. Anil Prasad Singh (App)

=====

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

3 16-05-2016 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 376, 323 and 504/34 of the I.P.C

Allegedly, the petitioner committed rape with
Mahjabeen Khatoon, the daughter of the informant, after bringing
her in a maize field and thereafter the petitioner was caught and in
the Panchayati the matter was not settled and then the case has
been lodged.

Submission is of false implication and that the
informant is in habit to lodge false cases, earlier also he has lodged
such case alleging rape with his another daughter and thereafter
that daughter was married on the basis of the Panchayati and being

emboldened by that Panchayati again the informant lodged this false case, during investigation no maize plant was found broken on the place of occurrence and the medical evidence also does not support the allegation of rape and further the witnesses have stated regarding habit of the informant for lodging the false case.

The learned A.P.P. opposes prayer for bail by submitting that though the doctor has not found the sign of sexual intercourse at the time of examination but it has been found that possibility could not be excluded and further the victim has been examined under section 161 of the Cr.P.C. wherein she has supported the allegation of rape and the victim is aged between 15-16 years.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Bhawanipur P.S. Case No. 52 of 2013 pending in the court of Sri Mithilesh Kumar, Judicial Magistrate, 1st Class, Purnea.

However, 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	
---	--	---	--