

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9118 of 2016

Arising Out of PS.Case No. -308 Year- 2015 Thana -JOKIHAT District- ARRARIA

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Md. Dilshad, Son of Aklim, resident of Village- Sisona, P.S.- Jokihat,
District- Araria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Md . Ansural Haque (App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-05-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with

Jokihat PS case no. 308/2015 for offences alleged under Sections

376, 379, 324 of the Indian Penal Code.

The prosecution story has been instituted on a

farbeyan of the informant-victim against the petitioner. It is

alleged that the victim was at her door. The petitioner came with a

motorcycle and took her to a mango orchard and committed rape

upon her. He also told her to solemnize court marriage. He took

away her payal and fled away in the motorcycle. She came to her

house and narrated the story to her mother.



It has been submitted by the learned counsel for the petitioner that he is innocent having no criminal antecedent as is evident from para 3 of this application and the victim girl is herself the informant. It has been submitted that although the date of occurrence is 24.10.2015 but FIR has been lodged on 06.11.2015 after inordinate delay. He further submits that the medical report is of date 07.10.2011 which is at para 18 of the case diary which could not be probable on that date. It is very improbable that the medical report is of date 07.10.2011 but even otherwise, the report does not opine that there was a sexual assault and the age has been stated to be about 17-18 yrs. although different age has been given regarding dental and x-ray age. He further submits that no case under Section 376 of the I.P.C. is made out and it was only to put pressure for marriage purpose on the accused-petitioner that this false case has been lodged against him.

However, learned APP appearing on behalf of the State submits that the petitioner is the named accused, hence, opposes the prayer for bail.

Be that as it may, since the FIR has been lodged after an inordinate delay and the date of medical examination also appears improbable, let petitioner above named, in the event of his

arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Araria in connection with Jokihat PS case no. 308/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

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