

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48673 of 2015

Arising Out of PS.Case No. -105 Year- 2015 Thana -VIDYAPATINAGAR District- SAMASTIPUR

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Md. Sabir son of Md. Jasimul @ Jasmul, Resident of Village- Kawai, Police Station- Ghatho O.P., District- Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar Thakur, Advocate.

For the Opposite Party : Mr. D.P.Tiwary (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

7 15-03-2016 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 and 379 of the I.P.C

Allegedly, the petitioner after calling the informant telephonically forcibly committed rape with her in a hotel and again repeated the same at a lonely place and further snatched her mobile and purse.

Submission is of false implication and that the informant is a married lady, she went with the petitioner out of her own sweet will, no offence punishable under section 376 I.P.C. is made out, the entire allegation is concocted and now good sense has prevailed between the parties and the informant has filed

compromise petition, vide Annexure-2, and as such the petitioner deserves sympathetic consideration, to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, serious in nature, at this stage this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Vidyapati Nagar (Ghatho) P.S. Case No. 105 of 2015 pending in the court of Sri P.K.Roy, J.M. 1st Class, Dalsingsarai.

However, the petitioner may renew his prayer for bail after examination of the informant during trial. The learned trial court is directed to expedite the trial and to examine the informant at once after taking all positive steps.

(Jitendra Mohan Sharma, J)

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