

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48095 of 2015

Arising Out of PS.Case No. -138 Year- 2015 Thana -KHODAWANPUR District- BEGUSARAI

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1. Samare Alam @ Naaz Babu S/o Shamsul Hoda, Resident of Village-
Tamora Sirsia, Police Station- Hasanpur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhimanyu Sharma

For the Opposite Party/s : Mr. Nirmala Kumari(App)

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

5 15-02-2016 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 developed physical
relationship with the informant after giving assurance to marry
with her and thereafter the petitioner refused to marry with her and
again the petitioner tried to commit rape with her forcibly but due
to alarm being raised by the informant the petitioner was caught
by the villager.

Submission is of false implication and that admittedly
there was love affair between the petitioner and the informant, the
victim girl is major which is evident from the medical report, no

offence of rape is made out as both developed physical relationship with their consent and as such the petitioner who is suffering in custody since 03.07.2015 deserves sympathetic consideration, to which the learned A.P.P. opposes by submitting that the consent obtained by false promise is vitiated and it comes under the purview of rape.

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 Khodabandpur P.S. Case No. 138 of 2015 pending in the court of C.J.M. Begusarai.

However, the trial court is directed to expedite the trial and to conclude the same preferably within four months.

(Jitendra Mohan Sharma, J)

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