

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55419 of 2015

Arising Out of PS.Case No. -189 Year- 2015 Thana -KASBA District- PURNIA

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Md. Muntessir @ Moharam Son of Late Md. Nayeem, Resident of Mohalla
- Ram Nagar, P.S. - Amour, District - Purnia.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh

For the Opposite Party/s : Mr. Ambika Bhagat (Spl.App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 09-02-2016 Heard learned counsel for the petitioner and learned
Special Public Prosecutor representing the State.

The petitioner seeks bail in connection with Kasba P.S.
Case No. 189 of 2015 registered for the offences punishable under
Sections 328, 376, 363, 323, 341 and 34 of the Indian Penal Code
and Section 3(iii) (xii) of the SC/ST Act.

Allegedly, the informant was kidnapped by un-known
auto driver bearing Registration No. BR-11J-8514 and his two
associates and in the auto they made her senseless and in that
condition she was raped and in half naked condition, she was
dumped at village Ramunagar and then her husband came and
brought her to hospital. During investigation it transpires that the
petitioner and co-accused Ekram brought victim in tempo No. BR-11J-8514 in

un-conscious state and with her there was a child also and the lady was having injuries and accordingly, the petitioner has been implicated in this case.

Submission is of false implication and that the petitioner has been examined by the doctor but the doctor has not found the result positive and further the victim has also been examined but no spermatozoa was found. The petitioner has been arrested in this case on 23.07.2015 but he has not been put on TIP and, as such, the petitioner deserves sympathetic consideration, to which the learned Special Public Prosecutor opposes by submitting that witness Sadina Khatoon vide para 16 of the case diary has stated that the petitioner and Ekram brought the victim in that tempo.

In the facts and circumstances 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.

(Jitendra Mohan Sharma, J)

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