

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11585 of 2017

Arising Out of PS.Case No. -104 Year- 2016 Thana -MORKAHI District- KHAGARIA

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1. Aashif, Son of Illiyas, resident of Village- Sabalpur, P.S. Morkahi,
District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan

For the Opposite Party/s : Mr. Dr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 12-05-2017

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Morkahi P.S. Case No. 104
of 2016 instituted for the offence under Sections-376/34 of the
Indian Penal Code.

As per written report, this petitioner along with his
brother Sayeed dragged the informant and took her near the
Machan. Sayeed closed mouth of the informant by Gamchha and
this petitioner committed rape with her. The statement of victim
was recorded u/S 164 of the Cr.P.C. wherein, she has levelled
specific allegation against this petitioner of committing rape. The
statement of mother of the victim was recorded at paragraph-9
wherein, she has stated that when she reached the place of
occurrence, she found one person doing illegal act with the



informant.

In such circumstances, this court does not think it a fit case for grant of bail. Accordingly, prayer for bail of the petitioner is rejected.

Learned trial court is directed to expedite the trial of the petitioner. The petitioner is given liberty to renew his prayer for bail in the court below itself if the trial is not concluded within nine months and in that event, the court below shall give reasons for non conclusion of the trial.

(Sanjay Priya, J)

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