

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30025 of 2017

Arising Out of PS.Case No. -15 Year- 2017 Thana -MAHILA P.S. District- MADHUBANI

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Mustakim @ Md. Mustakim Son of Md. Habib, resident of Village-
Jainagar Basti Idgah tola, P.S.- Jainagar, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Sri Braj Kishore Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

5 28-08-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since
01.05.2017 in connection with Mahila P.S. Case No. 15 of 2017
for offences punishable under Sections 323, 504, 506, 376, 379,
427, 384, 386, 420 of the Indian Penal Code and Womens'
Violence Act.

The prosecution case, as lodged by the informant was
by way of complaint which was later on registered under 156 (3)
of the Cr.P.C. as F.I.R., is that the petitioner has subjected her to
rape, torture and snatched her Rs. 40,000/- and also given her



some medicine to drink on the ground that he would get her compensation for her late husband and has taken her several times to Madhubani.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and the complaint case has been lodged after inordinate delay of nearly three months. He submits that it was a consensual cohabitation and some witnesses have not supported the prosecution case.

However, learned counsel for the informant vehemently opposes the prayer for bail stating therein that the victim lady is a mother of four children and on the false pretext of getting compensation of her late husband she has been subjected to physical, mental torture and rape and also her jewelry has been snatched. Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Mahila P.S. Case No. 15 of 2017 pending in the court of learned S.D.J.M., Madhubani.

Application is, accordingly, rejected. However, the



petitioner may renew his prayer for bail after six months or after framing of the charge, whichever is earlier.

(Nilu Agrawal, J)

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