

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51690 of 2017

Arising Out of PS.Case No. -116 Year- 2017 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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Shahina Khatoon, D/o Mainuddin Ansari, R/o Bangara, P.S.- Sugauli
District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi

For the Opposite Party/s : Mr. Smt. Asha Devi

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**
ORAL ORDER

3 21-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Sugauli P.S. Case No.
116 of 2017 registered under Sections 341 and 376/34 of the
Indian Penal Code.

The petitioner is said to have taken the minor
daughter of the informant from her house on the pretext of
defecation and subsequently her relative namely Laxman Sah
committed rape against the daughter of the informant while the
petitioner was keeping her mouth gagged.

It is submitted by learned counsel for the petitioner
that the petitioner has been falsely implicated in the case. As a



matter of fact, the victim was in love with Laxman Sah and was caught by her mother in compromising position with the said Laxman Sah and in order to blackmail the petitioner and said Laxman Sah, the informant has lodged this false and frivolous case against them. The petitioner has also been falsely implicated in the case due to dispute of passage. There is inordinate delay, without assigning any plausible reason, in lodging the F.I.R. The petitioner has been languishing in custody since 19.08.2017.

On the other hand, learned APP citing different paragraphs of case diary has submitted that the victim in her statement recorded under Section 161 as well as 164 Cr.P.C. has stated about committing of rape against her by Laxman Sah while the petitioner had pressed her mouth. The informant who had arrived at the place of occurrence in search of his daughter has also witnessed the aforesaid occurrence and narrated the same to the I.O. The witnesses who had arrived at the place of occurrence have also found the petitioner and Laxman Sah escaping from the place of occurrence.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Prayer for bail of the petitioner is rejected.



However, learned Trial Court is directed to conclude the trial as expeditiously as possible preferably within nine months from the date of commitment of the case.

(Prakash Chandra Jaiswal, J)

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