

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49193 of 2016

Arising Out of PS.Case No. -57 Year- 2016 Thana -AMDABAD District- KATIHAR

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1. Md. Mahboob son of Md. Zakir, resident of Village- Garad Tola,
Pranpur, Police Station- Amdabad, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Najmul Hoda

For the Opposite Party/s : Mr. Sri Rajeev Nayan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 19-01-2017 Heard the parties on the application for anticipatory bail

filed by the petitioner in connection with Amdabad P.S.Case

No.57 of 2016 for the offence under Section 376(D) of the Indian

Penal Code.

It is submitted on behalf of the petitioner that no doubt

the allegation against the petitioner is of committing rape along

with other co-accused persons but as a matter of fact petitioner

is aged about 21 years, whereas the age of the victim appears to

be 50 years old even as per the statement of the informant under

Section 164 Cr.P.C., so the occurrence does not appear to be

probable. It is also submitted that the Doctor in his medical

examination report also does not find history of rape true. The



petitioner is in custody since 04.09.2016.

Heard learned A.P.P., who opposes the prayer for bail of the petitioner on the ground that there is direct allegation against the petitioner of committing rape one after another of the informant along with other co-accused persons.

Considering the allegations attributed against the petitioner, I am not inclined to grant bail to the petitioner, hence, the prayer for bail of the petitioner is rejected. However, the learned court below is directed to expedite the trial and try to conclude the same as soon as possible.

(Vinod Kumar Sinha, J)

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