

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.528 of 2017

Arising Out of PS.Case No. -32 Year- 2016 Thana -MAHILA P.S. District- PATNA

=====

1. Asif Iqbal S/o late Mansoor Hasan R/o Chhotki Khanka, Masjid Milkina Galli, Shagun Namkeen Factory, P.S. Phulwarisharif, Distt Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Sandeep Kumar Mr. Abhishek Kumar
For the Opposite Party/s	:	Mr. Sri Satyendra Prasad
For the Informant	:	Mr. Ramakant Sharma, Sr. Adv.

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 21-02-2017 The petitioner is in custody since 26.11.2016 in connection with Mahila P.S. Case No. 32 of 2016, registered for offences punishable under Sections 295A, 313, 323, 344, 376, 328, 420, 496, 506/34 of the Indian Penal Code and Section 66B of the I.T. Act.

It has been submitted on behalf of the petitioner that out and out false allegations have been levelled against this petitioner and as a matter of fact this is case of consensual relationship between the petitioner and informant only to get some money from the petitioner, has filed the present false case. Moreover the statement of parents of the informant, which has come in paragraph 4 and 5 of the case diary, does not support the case of the prosecution. It has further been submitted that from perusal of the case diary it will appear that witnesses in para 47 and 48 has



also not supported the case of the prosecution as such the implication of the petitioner is an afterthought of the informant with a view to harass him. The petitioner has been in judicial custody since 26.11.2016.

Heard learned A.P.P. and learned counsel for the informant. Learned counsel for the informant has submitted that there is direct allegation against the petitioner that he committed rape on the informant and made video of the same and thereafter the petitioner pressurized the informant and confined her at different places and outraged the modesty of the petitioner several times and also forced her for abortion and as such the petitioner does not deserve the privilege of bail.

Having heard both sides, in view of the fact that there is direct allegation against the petitioner for committing rape on the informant, which has been supported by several paragraphs of the case diary, as such, I am not inclined to grant the petitioner, the privilege of regular bail, it is accordingly rejected.

However, the trial court is directed to expedite the trial and try to conclude it as early as possible.

(Vinod Kumar Sinha, J)

sunil/-

U			
---	--	--	--

