

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.7426 of 2017**

Arising Out of PS.Case No. -17 Year- 2016 Thana -MAHILA P.S. District- KISANGANJ

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1. Md. Tahir Alam, Son of Late Sukaru  
2. Manjar Alam, Son of Md. Tahir Alam, Both resident of Village-  
Mazkuri Paschim Par, Police Station- Kochadhaman, District- Kishanganj.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Binay Kumar

For the Opposite Party/s : Mr. Md. Ashlam Ansari

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**  
ORAL ORDER

6      19-04-2017                      Heard learned counsel for the petitioners and learned  
A.P.P. representing the State.

The petitioners seek bail in connection with  
Kishanganj Mahila P.S. Case No. 17 of 2016 registered for the  
offences punishable under Sections 376, 302 and 201/34 of the  
Indian Penal Code.

Allegedly, petitioners being father-in-law and *Devar* of  
the informant committed rape with her for four and three days  
respectively and further they also assaulted the husband of the  
informant and got lodged Kochadhaman U.D. Case No. 02 of  
2016 with wrong allegation.

Submission is of false implication and that F.I.R. has



been lodged after much delay. Earlier the informant has not lodged any case of rape against the petitioners and after death of her husband she is alleging falsely. The husband of the informant died as he was mentally weak and he consumed poison and in postmortem report no injury has been found on the person of the deceased and, as such, the petitioners deserve sympathetic consideration.

The learned APP duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that petitioners have committed serious crime.

In the facts and circumstances stated above, considering the allegation attributed against the petitioners, at present I am not inclined to enlarge the petitioners on bail and accordingly, their such prayer stands rejected in connection with Kishanganj Mahila P.S. Case No. 17 of 2016 pending in the Court of learned S.D.J.M., Kishanganj.

However, considering the detention of the petitioners, the trial court is directed to expedite the trial and conclude the same as per amended proviso of Section 309 Cr.P.C.

**(Jitendra Mohan Sharma, J)**

sushma/-

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