

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26657 of 2017

Arising Out of PS.Case No. -41 Year- 2014 Thana -SAKRI District- MADHUBANI

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Safiqullah Khan Son of Late Sattar Khan, resident of Village- Mominpur,
P.S.- Sakari, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 04-04-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has renewed the prayer for bail in Sakari P.S. Case No. 41 of 2014 registered for the offences punishable under Sections 376, 313, 325, 120B of the Indian Penal Code and Section 4 of The Protection of Children from Sexual Offences Act.

The accusation is of ravishing 14 years old daughter of the informant on promise of marriage but the marriage was not performed and pregnancy was forcefully terminated.

It is submitted by learned counsel for the



petitioner that the petitioner is languishing in custody since 08.05.2014 and the accusation of rape or termination of pregnancy is not being corroborated by medical opinion. The FIR has been lodged with inordinate delay. Hence, the offence under Sections 376, 313 and 315 of the IPC is not made out.

The report of learned Ist Additional Sessions Judge –cum- Special Judge, Madhubani dated 06.02.2018 reflects that the matter is fixed for argument and will be disposed of within a month.

The attention of this Court is drawn towards the earlier order dated 07.09.2016 passed in Cr. Misc. No. 41759 of 2015 when the learned trial Court was directed to conclude the trial within a period of three months since the evidence was closed on 06.09.2016 and the matter was fixed for statement of accused under Section 313 of the Cr.P.C. The present report of the learned trial Court is dated 06.02.2018 and more than one month has already lapsed. Hence, the learned trial Court is expected to transmit a report whether the trial arising out of Sakari P.S. Case No. 41 of 2014 has concluded or not.

Considering the advanced stage of trial, this Court is not inclined to interfere. Accordingly, this application is disposed of.



On receipt of the report the matter be placed
only for perusal.

(Dinesh Kumar Singh, J)

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