

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49141 of 2018

Arising Out of PS. Case No.-84 Year-2016 Thana- MAHILA P.S. District- Araria

Md. Rahim @ Rahim, son of Hasibul @ Hasibur Rahman, Resident of
Village - Siktia, P.S. - Jokihat, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Ramesh Kumar Singh

For the Opposite Party/s : Sri Ajay Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 31-10-2018 Heard Sri Ramesh Kumar Singh, learned counsel for
the petitioner and Sri Ajay Kumar Jha, learned Additional Public
Prosecutor.

The sole petitioner, who is in custody since
05.05.2018 in connection with Mahila (Araria) P.S. Case No. 84
of 2016 arising out of G.R. No. 3223 of 2016 registered for the
offence under Section 376(D) of the Indian Penal Code, 1860,
has prayed for grant of bail.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case. He
submits that in the F.I.R. Md. Murgub was arrayed as one of
the main accused. He submits that before lodging F.I.R. a
Panchayati was held in which the main accused of the present
case Md. Murgub had agreed to marry with the victim and



this was the reason that during investigation Police did not take any step to apprehend Md. Murgub and petitioner has been made accused. He further submits that in the case F.I.R. was lodged after five days from the date of occurrence. Learned counsel for the petitioner further has argued that during investigation father of the victim has stated before Police that in the present case his victim daughter will never participate.

However after going through the material on record particularly the F.I.R. it is evident that it was case of gang rape and as such there is no reason to pass favourable order.

The prayer for bail stands dismissed.

(Rakesh Kumar, J)

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