

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26551 of 2019

Arising Out of PS. Case No.-333 Year-2018 Thana- BISFI District- Madhubani

MD. TAHSIN S/o Md. Habib @ Md. Hasib Ali R/o Village- Gadhiya, P.S.-
Bisfi (Patauna O.P.), District- Madhubani. Petitioner/s

Versus

The State of Bihar Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar

For the Opposite Party/s : Mr. Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 14-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for grant of bail in connection with Bisfi P.S. Case No. 333 of 2018 registered for the offence punishable under Section 376 of the Indian Penal Code.

As per the allegation in the FIR, it is stated by the informant that while she was alone in her house, the petitioner entered into her house and committed rape on her. It is further stated that as a result of hulla raised, the neighbours gathered there and were able to catch hold of the petitioner in the house of the informant.

It is submitted by learned counsel for the petitioner that the allegations, as made in the FIR, are absolutely false which would also be evident from another FIR, lodged by this



very informant under the same section, which has been brought on record as Annexure-2 to the application. It is further stated that even the medical report of the Medical Board, brought on record as Annexure-4 to the application, does not support the allegation of rape. It is further submitted that in course of investigation, the allegation of informant has further taken a turn, as she has stated that the petitioner was a regular visitor to her place but still had not disclosed that he was a married man.

Having heard the learned counsel for the parties and taking into consideration the facts and circumstances of the case as narrated in the FIR, specially the fact that on hulla being raised, the petitioner was caught by the neighbours in the house of the informant, this Court is not inclined to grant bail to the petitioner and, as such, the application for bail stands rejected.

However, considering the fact that the petitioner is in custody since 19.12.2018 and that he has no criminal antecedent, liberty is granted to the petitioner to renew his prayer for bail on completing one year in custody.

(Partha Sarthy, J)

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