

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32756 of 2019

Arising Out of PS. Case No.-191 Year-2018 Thana- JOKIHAT District- Araria

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1. MAJID S/o Baharuddin Resident of Village Simariya, Tola Kumhiya, Ward No. 04, P.S.- Jokihat, District- Araria.
 2. Rashid S/o Helaluddin Resident of Village Simariya, Tola Kumhiya, Ward No. 04, P.S.- Jokihat, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh
For the Opposite Party/s : Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 17-05-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Jokihat P.S. Case no. 191 of 2018, registered under Sections 341, 323, 448, 354(B), 376, 379, 504 and 506.34 of the Indian Penal Code.

Petitioners are said to have committed rape against the informant on the point of knife gagging her mouth when she had gone for defecation.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in the case due to dirty village politics and animosity. The occurrence is said to be of



13.04.2018 but F.I.R. has been lodged after inordinate and abnormal delay of around 2 months and 12 days i.e. on 25.06.2018 without assigning any plausible and convincing explanation for the aforesaid delay which creates serious doubt about the prosecution case.

On the other hand learned APP for the State vehemently opposing the bail petition submitted that there is specific allegation of committing sexual assault against the victim levelled against the petitioners. Hence petitioner does not deserve anticipatory bail.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioners on bail. Prayer for bail of the petitioners is rejected.

However, petitioners are directed to surrender before the court below within six weeks and seek regular bail and the court below shall dispose of the bail petition of the petitioners considering the facts and circumstances of the case in accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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