

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14789 of 2020

Arising Out of PS. Case No.-172 Year-2019 Thana- MAHILA P.S. District- Araria

NADIM Son of Nasim Resident of Village - Machhela, ward No. -03, P.S. Mahalgaon, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bindeshwar Kumar, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 23-06-2020 Heard learned counsel for the petitioner and learned
APP for the State, through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Mahila P.S. Case No. 172 of 2019 registered under sections 376, 341, 323 and 34 of the Indian Penal Code.

As per allegation in the FIR, while the informant was alone in her house with her children, it is stated that the petitioner came and committed rape on her. It is further stated that the petitioner was caught by the informant's brother but was later rescued by the other accused persons named in the FIR.

It is submitted by learned counsel for the petitioner that there is inordinate delay in lodging of the case. While the



occurrence is said to have taken place on 17.11.2019 but the FIR was lodged on 28.11.2019 without any explanation for the same. It is stated that the reason for the false implication is a dispute between the parties wherein the mobile of the uncle of the petitioner was stolen and for which he lodged a complaint on 11.12.2019, a copy of which is Annexure-2 to the petition. It is submitted that the occurrence with respect to mobile having taken place on 16.11.2019, to build up his defence, the instant FIR was registered on 28.11.2019. The petitioner is in custody since 14.01.2020 and has no criminal antecedent. It is further submitted that even in the medical report (Annexure-4) the allegation of rape has not been supported.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties, it transpires that the statement of the victim informant was recorded under section 164 Cr.P.C. and she has substantially supported the allegation made in the FIR. In view of the facts and circumstances of the case, the Court is not inclined to enlarge the petitioner on bail and, as such, the application for bail is rejected.

However, if so advised, the petitioner may renew his



prayer for bail on completing one year in custody.

(Partha Sarthy, J)

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