

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79543 of 2019

Arising Out of PS. Case No.-167 Year-2018 Thana- JOKIHAT District- Araria

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SOHEL SAH @ MD. SOHEL SAH @ MD. SOHAIL SAH S/O- Late Majid
Sah Resident of Village - Chikni, Gariya Chikni, P.S.- Araria, District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Nafisuzzoha
For the Opposite Party/s : Mr.Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 04-06-2020 Heard both sides through Video Conferencing.

The petitioner seeks bail in Jokihat(Mahalgaon) P.S.

Case No.167 of 2018, G.R. No.1766/2018 registered under
Sections 341, 342, 323, 376 of the Indian Penal Code.

The victim disclosed that she was carrying food for
her husband for Aftar. When she reached near Kariyat Canal on
N.H.57, one tractor came there. The driver of the tractor caught
her and at the point of dagger committed rape with her. It is
further alleged that the driver of the tractor assaulted her and she
became unconscious. The driver of the tractor got her seated by
the side of the tractor but while he was purchasing some articles,
she got conscious and disclosed this fact to the shopkeepers, on
such, shopkeepers apprehended the petitioner and inform the
family members of the informant.



The learned counsel for the petitioner submits that story itself appears to be concocted. The occurrence took place at about 6 in the evening in the summer time and the story committing rape by the side of the road does not appear to be convincing. Some verbal altercation took place as the tractor of the petitioner damaged some maize crops kept by the side of the road and that is why petitioner was caught and he was implicated in a false case.

Learned A.P.P. disclosed that the witnesses have supported the case of the informant.

Perused the records. The victim made specific allegation that while she was carrying food for her husband for Aftar, petitioner committed rape with the victim by the side of the road finding her all alone. The witnesses also reiterated the facts.

Considering the facts aforesaid and nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

Since the petitioner is in jail since 09.06.2018, the trial court is directed to hold the trial on day to day basis and conclude the same within six months from the date of receipt of this order.



If the trial is not concluded within six months, the
petitioner, if so advised, may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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