

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12550 of 2021**

Arising Out of PS. Case No.-227 Year-2020 Thana- PANCHRUKHI District- Siwan

NAJBULLAH KHAN S/o Late Taj Mohammad Khan R/o - Village-
Kohrauta, P.S.- Panchrukhi, Distt- Siwan, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Arshad Alam, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 03-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in connection with Panchrukhi P.S. Case no. 227 of 2020 registered under section 376 of the Indian Penal Code.

As per allegations in the FIR, it is stated by the informant that on the point of knife the petitioner committed rape on the informant.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and concocted. The petitioner has been falsely implicated in the case as he had married the cousin sister of the informant's father. It is further submitted that while the alleged occurrence is stated to have taken place at 11 pm on 17.9.2020, inspite of the police



station being at a distance of 10 kms, information was given to the police after 5 days on 24.9.2020 at 11 am and thereafter the FIR registered. Learned counsel further submits that the medical report does not support the allegations. The statement of the victim recorded under section 164 Cr.P.C was recorded more than 18 days after the occurrence and is a tutored statement. The petitioner is in custody since 24.9.2020 and has no criminal antecedent.

The application for bail is opposed by learned APP for the State who submits that there is a direct allegation against the petitioner and the same has been supported by her statement under section 164 Cr.P.C.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the contents of the statement under section 164 Cr.P.C, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

Prakash/-

U			
---	--	--	--

