

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17572 of 2021

Arising Out of PS. Case No.-162 Year-2020 Thana- GHANSHYAMPUR District- Darbhanga

MD SANAULLAH KHAN @ SANAULLAH KHAN, S/O MD GAFOOR @
MD GAPHUR KHAN R/o village- Pali, P.S.- Ghanshyampur, District-
Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M/s Iqbal Asif Niazi
Abu Bakar, Advocates
For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 28-09-2021 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 376 of the IPC.

As per the prosecution case, the petitioner is stated to have committed rape on the informant on the point of a knife.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and concocted. The same would be evident from the fact that for an occurrence alleged to have taken place on 23.3.2020, the FIR was registered after more than 3 months of the alleged occurrence. Further as a result of the threat given by the informant and the members of her family, the petitioner had filed an informatory petition before the Sub Divisional Officer,



Biraul, a copy of which has been brought on record as Annexure-2 to this petition. It is further submitted that the statement made under section 164 Cr.P.C. is at variance and in contradiction to the statement made in the FIR. The petitioner is in custody since 10.7.2020 and has no criminal antecedent. Chargesheet has been submitted in the case.

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

Having heard learned counsel for the parties and in the facts and circumstances of the case, 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)

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