

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20103 of 2021

Arising Out of PS. Case No.-178 Year-2017 Thana- DHURAIYA District- Banka

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Noor Navi @ Nabi, Son of Late Rasool Kazi, Resident of Village Sathiyahi,
P.S. Dhuraiya, District Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-10-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in Dhuraiya P.S. Case No.178
of 2017, registered for the offence punishable under Section 376 of
the Indian Penal Code as well as under Section 4 of the POCSO
Act.

Allegation against the petitioner is that the petitioner
committed rape with the victim girl on the pretext of solemnizing
marriage.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. There is general and omnibus allegation against the
petitioner. It is further submitted that the informant is a short
tempered woman and in collusion and conspiracy with one Md.
Jahangir, who is brother-in-law of the petitioner, this false case has



been instituted against the petitioner. It is also submitted that the house of the informant is situated outside the village and several unknown persons used to go her house every day but at the time of lodging this case, the petitioner has been implicated on instigation of brother-in-law of the petitioner. It is also submitted that a dispute is also going on between the petitioner and his sister. It is lastly submitted that the petitioner is in custody since 06.07.2020 and he has got no criminal antecedent as stated in paragraph 3 of the bail petition.

Learned counsel for the State opposed the prayer for bail of the petitioner and submits that the petitioner not only committed rape with the victim girl on the point of pistol but made false promise to marry her and continuously exploited her.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected.

However, the learned trial court is directed to expedite the trial.

(Anjani Kumar Sharan, J.)

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