

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24405 of 2021

Arising Out of PS. Case No.-440 Year-2020 Thana- PURNEA SADAR District- Purnia

MD. SABIR @ SABIR Son of Md. Tunwa @ Karim Resident of Village-
Maharajpur Tola Islampur, P.S.- Sadar Muffasil, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Anil Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-07-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 341, 323, 307, 376 (D), 504 & 509/34 of the Indian Penal Code and Section 66 E of the I.T. Act.

The allegation against the petitioner is that he in association of other co-accused committed rape against the informant and also tried to kill her. They also shot her naked



photo.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case due to dirty village politics. It is further submitted that no sign of rape has been found by the doctor. There is contradiction in the statement given by the victim under Section 161 and 164 Cr.P.C. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent and has been languishing in custody since 03.12.2020.

Learned APP for the State vehemently opposing the bail petition submitted that the petitioner in association of other co-accused committed gang rape against the informant, hence, he does not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer for bail is hereby rejected. However, the learned Trial Court is directed to expedite the trial.

(Anjani Kumar Sharan, J)

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