

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27768 of 2021

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

MD SAGIR Son of Md Usman Resident of Village - Humen Tola Kishanpur,
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, Adv

For the Opposite Party/s : Mr. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 14-12-2021 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

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.

Petitioner who is in custody since 02.12.2020 seeks regular bail in connection with Sadar (Muffasil) P.S. Case No. 440 of 2020 registered for offence punishable under Section 341, 323, 307, 376(D), 504, 509/34 of the I.P.C and 66 E of the I.T. Act.

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

It has been submitted by learned counsel appearing on



behalf of 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 02.12.2020.

Learned A.P.P., vehemently opposed the prayer for grant of bail to the petitioner and she has made a specific reference to statement of the victim under Section 164 Cr.P.C. as referring to paragraph no. 57 of the case diary where she has stated that the petitioner along with other co-accused had committed gang rape and as such the petitioner does not deserve to be enlarged on bail.

Considering the aforementioned facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail.

Accordingly, the present bail application is dismissed.

(Purnendu Singh, J)

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