

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38420 of 2020

Arising Out of PS. Case No.-296 Year-2020 Thana- BAIRIYA District- West Champaran

NOOR HASAN GADDI, S/o Hira Gaddi Resident of Village-Malahi Tola,
P.S.-Bairiya, District-West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava

For the Opposite Party/s : Mr. Shiv Kumar Dwivedy

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 09-07-2021 As prayed for, let the learned counsel appearing for the petitioner remove the defect(s), as pointed out by the office vide its notes dated 22.12.2020, within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner apprehends his arrest in connection with Bairiya P.S. Case No. 296 of 2020, registered under Section 376 of the Indian Penal Code, pending in the court of the learned Chief Judicial Magistrate, West Champaran, Bettiah.

The accusation is that on 25.06.2020, in the noon, daughter of informant Khairun Khatoon, aged about 19 years, moved from the house to attend call of nature, but she did not



return. Thereafter, informant moved to search her daughter then, in course of search, she heard noise and she proceeded in that direction then Noor Hasan Gaddi (Petitioner), aged about 60 years, was seen coming out from that direction. On seeing the informant, he fled away. At that time, her daughter come to the informant and started weeping. The informant claimed that Noor Hasan Gaddi (Petitioner) has committed rape upon her daughter.

Learned counsel appearing on behalf of petitioner submits that petitioner is aged about 65 years and he has falsely been implicated in this case due to demand of money as due against the informant of the present case for supply of the tent house material, which would appear from Annexure-2. Moreso, in Postmortem report, no recent sexual injury was found on the person of victim.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant pre-arrest bail to the petitioner. Accordingly, his prayer for grant of pre-arrest bail stands rejected. The petitioner is directed to surrender before the trial Court within four weeks and pray for regular bail, which shall be considered by the trial Court in accordance with law



without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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