

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12555 of 2022

Arising Out of PS. Case No.-32 Year-2020 Thana- CHENARI District- Rohtas

Ekbal Kuraishi S/o - Ashlam Kuraishi @ Aslam Quraishi R/o Village-
Khurmabad, P.S.- Chenari, District- Rohtas (Sasaram)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar Seth, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 29-09-2022 The applicant/accused in Crime No. 32 of 2020 registered with Chenari Police Station, giving rise to Sessions Trial No. 34 of 2021, for the offence punishable under Section 376(D) read with Section 34 of the Indian Penal Code, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused.

The applicant who is accused in case of gang rape is moving this application for releasing him on bail after rejection of his earlier bail application vide order dated 30.01.2021.

The learned counsel for the applicant argues that despite direction to expedite the trial and to conclude it within



a period of nine months, except examination of three witnesses, the learned Trial Court has not done anything in the matter. He submits that though it is alleged that there was forceful sexual intercourse, the victim had not suffered any injury. Therefore, the applicant is entitled for bail.

The learned Additional Public Prosecutor appears for the State.

The case in hand is a case of gang rape on the victim of the crime in question. It is seen that the applicant has placed on record copies of deposition of prosecution witnesses. Those are supporting the case of prosecution.

In the matter of **B.C.Deva vs. State of Karnataka** reported in **(2007) 12 SCC 122**, the Apex Court has stated that finding of injury on the person of the prosecutrix is not essential in the case of sexual offence against a women.

Considering the fact that the case is that of a gang rape on the victim female, no case for grant of bail is made out. Accordingly, the application is rejected.

(A. M. Badar, J)

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