

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15209 of 2022

Arising Out of PS. Case No.-89 Year-2021 Thana- RUDRAPUR District- Madhubani

MD. MOASIR S/o Md. Azgar @ Md. Asagar Ali R/o village- Harna, P.S.-
Rudrapur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Vinod Kumar, Advocate Mr. Udeshyam Kumar Yadav, Advocate
For the Opposite Party/s	:	Mr. APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 31-08-2022 Heard learned counsel appearing on behalf of the pe-
titioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Rudrapur
P.S. Case No. 89 of 2021 registered for the offence under Sec-
tions 363, 366(A) and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 18.01.2022.

The allegation against the petitioner is to kidnap the
minor daughter of the informant for the purpose of illicit inter-
course.



Learned counsel appearing on behalf of the petitioner submitted that the present FIR was lodged after 7 days of the occurrence, where delay is not explained. It is also submitted that victim and this petitioner were in friendly terms and allegation, as regard to rape is motivated to create a pressure for marriage. It is also submitted that matter has been compromised between the parties. It is also submitted that petitioner is a man of clean antecedent, and moreover investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that victim specifically alleged this petitioner through statement recorded under Section 164 of the Cr.P.C., as to commit rape upon her after kidnapping. It is also submitted that the offence as alleged is not compoundable.

In view of the submissions, as made above, as there is specific allegation of rape after kidnapping against this petitioner, duly supported through statement of victim recorded under Section 164 of the Cr.P.C., this Court is not inclined to grant bail to the petitioner, at present.

Accordingly, the prayer of bail of the petitioner is rejected herewith.



Trial Court is directed to proceed with the matter, by taking it on board, on daily basis, so as trial may conclude within 06 (six) months from the date of receipt of a copy of this order.

Superintendent of Police, Madhubani is directed to produced the charge-sheeted witnesses, as and when directed by the Trial Court, for expeditious disposal of trial, within specified time, as directed above.

(Chandra Shekhar Jha, J)

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