

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16393 of 2022**

Arising Out of PS. Case No.-235 Year-2021 Thana- BIRAUL District- Darbhanga

MD. MISTER @ JAHANGIR Son of Md. Firoj R/o Village - Tika Purvi,
P.O.- Sonpul, P.S.- Biraul, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Harun Quareshi, Adv.
For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

3 20-07-2022 Heard learned counsel for the parties.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Biraul P.S. Case No.235 of 2021 instituted under Sections
363, 365/34 of the Indian Penal Code.

The allegation in the FIR is that informant alleged that
her daughter went out to attend the nature's call but did not
return and she thereafter lodged the FIR stating that the
petitioner herein may be the person behind her
kidnapping/disappearance.

Subsequently the girl/lady was recovered and she
made a statement under Section 164 of the Cr.P.C. in which she
has supported the prosecution story and has further stated that
she was taken to Benipur where the petitioner raped her.



Thereafter, he brought the lady to his in-laws house where again he raped her. She has further stated in the FIR that when she ask her to marry him he not only refused the said proposal but assaulted her and left her on the road in an unconscious position. She was later lifted by a person who was going through the road from where the police was informed and she was recovered.

Taking into account the allegation of rape against the petitioner which the girl/lady had narrated in the 164 Cr.P.C., this Court for the present is not inclined to grant him the privilege of bail, which is accordingly rejected.

The Trial court is directed to expedite the Trial and conclude the same at an earliest.

(Rajiv Roy, J)

Prakash Narayan /-

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