

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23907 of 2022

Arising Out of PS. Case No.-111 Year-2020 Thana- MAHILA P.S. District- Araria

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Jamal @ Doma, Son of Mainuddin, R/O Village- Jorganj, P.S.- Janki Nagar,
District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-08-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Viveka Nand Singh, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Araria Mahila P.S. Case No. 111 of 2020
registered for the offences punishable under Sections 366,
376(D), 341, 323, 307, 506 of the Indian Penal Code.

As per prosecution case, it is alleged that on while the
informant was coming from the market, co-accused Major on
the point of pistol forcefully brought her at a distant place,
where the petitioner along with other co-accused persons,
named in the F.I.R., committed gang rape upon her by putting



her to threat of life.

It is submitted by the learned counsel appearing on behalf of the petitioner that falsity of the prosecution case is evident from the fact that in the F.I.R. she allegedly stated that Major kidnapped her and thereafter three persons committed rape on her. However, in her statement recorded under Section 164 of the Cr.P.C. she has taken the name of only three persons and excluded the other two persons stating there that they have been falsely implicated. It is further submitted that the Medical report also does not support the prosecution case, inasmuch as no evidence of fresh sexual assault has been found. It is also submitted that the victim is a major woman, apart from the fact that this petitioner is in custody since 24.12.2021.

On the other hand, learned counsel for the State vehemently opposes the bail application and submits that the victim in her re-statement as well as her statement recorded under Section 164 of the Cr.P.C. categorically stated that this petitioner along with others have committed rape upon her. It is also submitted that from the impugned order it also appears that the independent witnesses have also supported the prosecution case.

Having regard to the submissions made on behalf of



the parties and considering the specific nature of accusation and the gravity of the offence, this Court is not persuaded to enlarge the petitioner on bail.

Accordingly, the prayer for grant of bail to the petitioner is hereby rejected.

However, it is expected that the learned trial court will take all necessary and sincere steps to conclude the trial as early as possible

(Harish Kumar, J)

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