

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33558 of 2021

Arising Out of PS. Case No.-1 Year-2021 Thana- KUNDWACHAINPUR District- East
Champaran

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JAMALUDDIN S/O HAZRAT MANSURI @ HAZRAT MIYAN R/o village-
Gawandri, P.S.- Kundwa Chainpur, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 53256 of 2021

Arising Out of PS. Case No.-1 Year-2021 Thana- KUNDWACHAINPUR District- East
Champaran

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SHAHID SON OF JAKIR Resident of Village - Gavandri, P.S.- Kundwa
Chainpur, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 33558 of 2021)

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr. Md. Fahimuddin

(In CRIMINAL MISCELLANEOUS No. 53256 of 2021)

For the Petitioner/s : Mr.Patanjali Rishi

For the Opposite Party/s : Mr.Nitya Nand Tiwary

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 22-02-2022 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State, in both the cases.

The petitioners seek regular bail in connection with
Kundwa Chainpur Police Station Case No. 01 of 2021,
registered for the offences punishable under Sections
341/323/376-D/506/34 of the Indian Penal Code.



The prosecution case, as per the First Information Report, is that the petitioners have committed rape one by one upon the daughter of the informant.

Learned Counsel for the petitioners submit that the petitioners have not committed any offence in the manner alleged and the fact of the matter is that the victim girl was having love affair with one co-village, namely, Anjum, and the statement to this effect has been recorded by the police in course of investigation in paragraphs 66/67/68/71/72 of the case diary. They further submit that the petitioners had seen the victim girl in objectionable act in the village and upon protest by the petitioners, they have been implicated in the present false case. They, referring to the medical report, which was held on 02.01.2021, submit that no sign of rape is apparent on the face of the medical report.

On the other hand, learned Additional Public Prosecutor, appearing in both the cases, submit that the statement of the victim girl has been recorded under Section 164 of the Code of Criminal Procedure, 1973 (Annexure-3) and from perusal of the same, it would be evident that there is direct allegation of rape upon both the petitioners. They further submit that from the medical report, it would be evident that abrasion



was found in the right palm, however, the doctor has not given his opinion with regard to the fact as to whether rape was committed or not on the victim girl and in view of the specific statement made by the victim girl under Section 164 of the Code of Criminal Procedure, 1973, the medical report is immaterial.

Regards being had to the submissions advanced on behalf of the parties and taking into consideration the materials available on record and the fact that the victim girl has levelled specific allegation of rape upon the petitioners in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973, I am not inclined to grant regular bail to the petitioner.

These applications are, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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