

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36049 of 2021

Arising Out of PS. Case No.-112 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

MD. IRSHAD S/O LATE MD. ISLAM R/o village- Bagmali, P.S.- Hajipur
Town, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachchidanand Choudhary, Advocate
For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 18-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 376 and 506 of the Indian Penal Code.

As per the prosecution case, the petitioner is said to have committed rape on the informant.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The medical report does not support the allegation in the FIR. The victim was examined in course of trial and the medical report has not supported the prosecution case. There is no chance of the trial concluding in the near future because of the Covid 19 pandemic. The petitioner is in custody since 7.2.2021 and has no



criminal antecedent. He undertakes to cooperate in the trial.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the FIR which has been supported by the informant in her statement under section 164 Cr.P.C. together with the contents of the report received from the learned trial court according to which the trial is at the stage of final argument, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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