

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38641 of 2021

Arising Out of PS. Case No.-106 Year-2016 Thana- MAHILA P.S. District- Araria

1. SALMAN @ MD SALMAN S/o Abu Nasar
 2. Ajmal @ Md. Ajmal S/o Md. Iliyas
Both Resident of Village- Dholbaja, P.S.- Forbesganj, District- Araria.
- Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Adv.

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 15-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 376D, 447, 504 and 34 of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that the two petitioners forcibly took away the informant and petitioner no.1 committed rape on her.

It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. On the allegations levelled in the F.I.R. and the statement under section 164 Cr.P.C., it would be evident that the stories narrated are at variance with each other. In course of investigation, the witnesses whose statements have been recorded under section



161 Cr.P.C. have stated about the love affair between the petitioner no.1 and the informant and they had tried to elope a day after Chhath when they were caught. The informant is a major and chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the contents of the allegations in the F.I.R. together with the statement of the victim under section 164 Cr.P.C., the Court is not inclined to enlarge the petitioner no.1 on bail and the application is rejected.

So far as the petitioner no.2 is concerned, there is no allegation of rape against him and his having remained in custody since 1.3.2021 and not having any criminal antecedent, the Court directs the petitioner no.2 to be enlarged on bail in connection with Araria (Mahila) P.S. Case no.106 of 2016 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Araria.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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