

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46214 of 2021**

Arising Out of PS. Case No.-21 Year-2021 Thana- JAGDISHPUR District- Bhagalpur

MD. NEJAM @ NAJJO @ NAJMUJJAMA Son of Late Safique Resident of
Village - Dogachhi, P.S.- Jagdishpur (By Pass), District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	M/s Rama Kant Sharma, Sr. Advocate Md. Najmul Hodda, Advocate
For the Opposite Party/s	:	Mr. Ganesh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 07-03-2022 Heard learned senior counsel for the petitioner and
learned APP for the State.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 376 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 senior counsel appearing for
the petitioner that the petitioner has been falsely implicated in
the case. The FIR was registered on the next day of the alleged
occurrence. Medical evidence does not support the allegations
levelled in the FIR and no sign of assault has been found. While
the informant describes her age to be 18 years in the statement



under section 164 Cr.P.C., from perusal of the contents of supplementary affidavit filed on behalf of the petitioner it would transpire that she is aged about 26 years. The relationship between the parties were consensual and it is only after the divorce from her present husband, that the informant wanted to marry the petitioner and ultimately the case was lodged for oblique reasons. She also has a child aged about 2 ½ years. The petitioner is in custody since 18.1.2021.

The application for bail is opposed by learned APP for the State who submits that there is direct allegation against the petitioner in the FIR which is supported by the victim informant in her statement under section 164 Cr.P.C.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the contents of the FIR as also the victim supporting her statement under section 164 Cr.P.C., 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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