

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45047 of 2021

Arising Out of PS. Case No.-16 Year-2021 Thana- KAJRAILCHAK District- Bhagalpur

Md Maksood @ Maqsood Son of Md. Murshid Resident of Village- Simaria,
P.S.- Kajrailli, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Md. Anbzarul Haque Sahara, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 376, 341, 323, 448, 504, 506, 34 of the Indian Penal Code.

According to prosecution case, on 10.02.2021 when the informant had gone to fill water at that time Md. Maqsood put vermilion on her head and when she resisted he tendered apology and promised not to commit it again. Again on 14.02.2021 when she had gone to fill water, on the point of pistol he took her in the room and raped, when she was released



then cried and in the meantime daughter of Md. Maqsood rushed over there while the informant was in a nude condition. Anyhow she reached to her home, in the meantime other five F.I.R. named accused persons assaulted the informant brutally and her nude photo was sent by Md. Maqsood to her neighbour namely Md. Saju on his mobile who started defaming her by showing the said photograph to all.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner and informant are neighbors and both the family had been in good relations. He further submits that in fact the petitioner and informant is Devar and Bhabhi. The petitioner is in custody since 17.03.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail on the basis of material available on record and the case diary, he submits that the statement of victim under section 164 Cr.P.C. has fully supported the allegation as alleged in the F.I.R. but fairly submits that the medical examination of the victim has also supported the allegation as alleged in the F.I.R. but he said that the date of occurrence as alleged in the F.I.R. is 14.02.2021 but



the medical examination of the victim got done on 02.03.2021 after lapse of 18 days from the date of occurrence therefore, no substantive evidence with respect to the alleged occurrence is collected.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with S.T. No. 357 of 2021 arising out of Kajraili P.S. Case No. 16 of 2021 pending in the court of learned Additional Sessions Judge 1st, Bhagalpur.

Prayer is refused.

However, the learned Trial Court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

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