

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37106 of 2022**

Arising Out of PS. Case No.-67 Year-2021 Thana- MAHILA PS District- Darbhanga

Md. Hamsain @ Md. Gaus Rabbani Son Of Rabbani @ Md. Rabbani R/O
Village- Sankherha, P.S.- Baheri, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER**

3 30-09-2022 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Laherisarai (Darbhanga) Mahila P.S. Case No. 67 of 2021
lodged under Sections 376/354(B)/354(C)/506/34 of the I.P.C.
read with Sections 65/67 of the I.T. Act.

As per the prosecution case, the allegation in the
F.I.R. is to commit repeated rape of the informant by the present
petitioner along with one named accused at gun point.
Subsequently, the allegation to make her photograph viral is
there.

Learned counsel for the petitioner submits that the

petitioner is innocent and has committed no offence. He submits that the informant herself involved in offences of Immoral Traffic Act and in this regard, the local persons of *mohalla* have made complaint to the Superintendent of Police, Dharbhanga. The said complaint was also supported by the *Mukhiya* and *Surpanch* of the Panchayat. Learned counsel for the petitioner also relied on the medical report Annexure- 3 of the petition in which the Doctor has opined that no positive evidence to suggest commission of recent sexual intercourse with the victim found. Learned counsel for the petitioner submits that the antecedent of the petitioner is clean and he is in custody since 04.04.2022. Upon specific query that whether charge has framed or not, he submits that as per the knowledge charge has not been framed.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that the victim who is informant has categorically named the present petitioner along with one other accused person about commission of rape at different time on gun point.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and

the submissions made above, I am not inclined to grant bail to the petitioner. Therefore, the bail petition of the petitioner is hereby rejected. But liberty has been granted to the petitioner to pray for bail 6 months after framing of charge.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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