

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61612 of 2021

Arising Out of PS. Case No.-13 Year-2010 Thana- MUNGER MUFFASIL District- Munger

Md. Jilani, Son of Late Md. Jamil, Resident of Village- Mubarak Chak, P.S.-
Muffasil, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjiv Kumar Singh, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

4 03-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with S. Tr. No. 42 of 2021, arising out of from Muffasil P.S. Case No. 13 of 2010, registered for the alleged offences under Section 376 of the Indian Penal Code.

As per prosecution case, the informant, aged about 15 years, used to take tuition from the petitioner and during one of her classes, the petitioner committed rape with her.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There was love-affair between the petitioner and the



informant and she got married to the petitioner. Later on, the informant wanted *Talak* from the petitioner, which was not allowed by the petitioner and so the informant got married to another person and lodged this false case against this petitioner. The medical report also does not confirm that rape was committed. Charge-sheet has been submitted and the petitioner is in custody since 25.01.2021.

Learned APP opposes the prayer for bail submitting that there is specific allegation against this petitioner. Learned APP further submits that witnesses have stated before the police that the petitioner forcibly took signature of the informant on a blank paper and used to show it as document of his marriage with the informant.

Having regard to the fact that specific allegation has been made against the petitioner for committing rape and the same is supported in the statement of the witnesses in case diary, I am not inclined to grant bail to the petitioner. Hence, the prayer for bail is rejected.

However, the trial court is directed to expedite the trial and conclude the same preferably within a period of nine months.

(Arun Kumar Jha, J)

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