

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71030 of 2021

Arising Out of PS. Case No.-98 Year-2021 Thana- MAHILA P.S. District- Patna

SARFRAZ @ PAPPU Son of Late Mahooz Haider Resident of Mohalla- Gur
Ki Mandi, P.S.- Alamganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amir Alam

For the Opposite Party/s : Mr. Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 23-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Mahila
P.S. Case No. 98 of 2021 registered for the offence under
Sections 376, 342, 323 and 506 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 22.08.2021.

The allegation against the petitioner is to commit rape
upon the informant.

Learned counsel appearing on behalf of the petitioner
submitted that as the sister/victim married with son of the
informant, out of her relation, the present false case has been



lodged against this petitioner. It is also submitted that during medical examination, no injuries were found upon the victim, denying the allegation. It is also submitted that no independent witnesses supported the occurrence, during course of investigation. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that victim specifically alleged this petitioner to commit rape upon her through her statement recorded under Section 164 of the Cr.P.C. It is also submitted that rape is not a medical finding, rather a legal finding and in absence of injury it cannot be lead to conclusion ipso-facto that rape was not committed upon.

In view of the submissions, as made above, as victim specifically alleged this petitioner to commit rape upon her through her statement recorded under Section 164 of the Cr.P.C., this Court is not inclined to grant bail to the petitioner, at present.

Accordingly, the prayer of bail of the petitioner is rejected herewith.



Trial Court is directed to proceed with the matter, by taking it on board, on daily basis, so as trial may conclude within 06 (six) months from the date of receipt of a copy of this order.

S.S.P., Patna, is directed to produced the charge-sheeted witnesses, as and when directed by the Trial Court, for expeditious disposal of trial, within specified time, as directed above.

(Chandra Shekhar Jha, J)

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