

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28269 of 2023

Arising Out of PS. Case No.-221 Year-2022 Thana- BENIPATTI District- Madhubani

ANVARUL MUSTAFA Son of Late Md. Nasim Resident of Village -
Trinuhan, Police Station - Saharghat, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Munna Ansari Son of Abdul Hamid Resident of Village - Samda (Islamia Tola), Police Station - Benipatti, District - Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Soban Asghar

For the Opposite Party/s : Mr.Binod Kumar No. 3, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 24-05-2023 Heard the learned counsel for the petitioner and
learned APP for 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
Benipatti P.S. Case No. 221 of 2022 registered for the offence
under Sections 363, 366(A), 376, 323, 504, 506, 34 of the
Indian Penal Code.

The prosecution story in short is that the petitioner
is said to have kidnapped the victim girl and committed rape
with her. The victim was 15 years of age at the time of
occurrence.



Learned counsel for the petitioner submits that the petitioner got married to the victim and a child has been born out of the wedlock.

Learned counsel for the petitioner further submits that the petitioner is in custody since 24.12.2022 and he is quite innocent and has falsely been implicated in this case.

Learned A.P.P. has vehemently opposed the prayer for bail.

In the statement made under Section 164 Cr.P.C., the victim has said that the petitioner has committed rape upon her.

Considering the aforesaid facts, I am not inclined to grant bail to the petitioner at this stage.

The petitioner may renew his prayer for bail after examination of the victim as a witness in the trial.

The Court below is directed to expedite the trial of the petitioner.

Accordingly, this application stands rejected.

(Sandeep Kumar, J)

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