

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32715 of 2023

Arising Out of PS. Case No.-279 Year-2022 Thana- SHIVSAGAR District- Rohtas

=====

JAFAR IMAM @ CHHOTAN, Male, aged about 25 years, Son of Md. Hayat Baksh @ Hayat Baksh, Resident of village - Biura, P.O- Khudiya, P.S. - Shivsagar, Distt. - Rohtas (Bihar), pin - 821113

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Tiwari Shwetketu, Advocate
For the Opposite Party/s	:	Mr.Arun Kumar Singh, APP
For the informant	:	Mr. Surendra Kumar Mishra, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 05-07-2023 1. Heard learned counsel for the petitioner, the learned APP for the State and learned counsel for the informant.
2. Petitioner seeks regular bail in connection with S.Tr. no.641 of 2022 arising out of Shivsagar P.S. Case No. 279 of 2022 dated 22.06.2022 registered for the offence(s) punishable under Section(s) 313 and 376 of the Indian Penal Code.
3. The main submissions advanced by the learned counsel for the petitioner are that the allegations levelled against this petitioner in the FIR do not attract any of the categories defined under Section 375 of the Indian Penal Code to make out an offence of rape against this petitioner as admittedly the informant, who is a major girl, was in



relationship with this petitioner since 2017, so the allegations levelled by her in the FIR are completely improbable, in fact the informant wanted to marry this petitioner owing to which the FIR was falsely lodged to create pressure upon him and prior to lodging the FIR, the petitioner filed informatory petition in the court of Chief Judicial Magistrate, Rohtas (Sasaram) on 14.06.2022 raising his apprehension of false implication in a false case by the prosecution party and some days after, the FIR of the present matter was lodged. Further submissions are that the victim has not been medically examined and against the petitioner the investigation has been completed and his trial has started and he has been languishing in jail since 24.08.2022.

4. Learned counsel appearing for the informant vehemently opposes the bail prayer and submits that the trial of the petitioner has started and there is a serious allegation against this petitioner.

5. Learned APP also opposes the bail prayer.

6. Considering the nature of allegation levelled against this petitioner in the FIR which shows that the informant, who is stated to be the victim, was a major girl when the petitioner established sexual relationship with her and she remained silent for a long period regarding the alleged sexual



relationship, though she has made several allegations against this petitioner but considering the petitioner’s judicial custody period and also the stage of petitioner’s case and informatory petition filed by the petitioner prior to lodging of the FIR raising his apprehension of false implication by the victim and her family members, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail in connection with S.Tr. no.641 of 2022 arising out of Shivsagar P.S. Case No. 279 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

Sanjay/-

U		T	
---	--	---	--

