

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38690 of 2022

Arising Out of PS. Case No.-47 Year-2014 Thana- MAHILA P.S. District- Araria

Md. Istiyaque @ Istiyaque Ahmed @ Md. Istiyaque Alam Son Of Md.
Mansoor Resident Of Village- Jhamta, P.S.- Tarabari, District- Araria

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 13-02-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 376, 120(B) of the Indian Penal Code.

The prosecution case in nutshell is that petitioner on pretext of marriage has sexually exploited the informant continuously due to which she got pregnant and subsequently the petitioner being in connivance with other co-accused persons tried to get the pregnancy of the informant aborted by force and



refused to solemnize marriage with the informant.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case. It is also submitted that informant is major in age and she voluntarily established relationship with the petitioner and the petitioner is dragged in false allegations in furtherance of a conspiracy to compel the petitioner to marry with the informant. From perusal of the case diary (para 122), it appears that informant is not inclined to contest the present case and victim has already solemnized marriage in Uttar Pradesh and she is presently living with her husband. Moreover, petitioner is in judicial custody since 31.05.2022.

Learned APP appearing on behalf of the State vehemently opposed the prayer of the petitioner and submitted that victim in her statement, recorded under Section 164 of Cr.P.C., has supported the prosecution version of the case and stated that petitioner has ravished her several times.



Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

Learned trial court is directed to expedite the trial and conclude the same expeditiously.

(Sunil Kumar Panwar, J)

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