

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38974 of 2022**

Arising Out of PS. Case No.-71 Year-2022 Thana- DALSINGHSARAI District- Samastipur

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Md. Jami Son Of Md. Murshid @ Murashid Alam Resident Of Village -
Bhairopatti, P.S. - Dalsinghsarai (O.P. Ghatho), District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Madhura Nand Jha

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 17-03-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a

case registered for the offences punishable under Section

376 of the Indian Penal Code.

It is a case of commission of rape to the aunt

of the informant.

It is submitted by learned counsel for the

petitioner that petitioner is innocent and he has falsely

been implicated in this case. The victim is major but she



is not the informant of the case. The victim was medically examined by the Medical Board where no sign of rape was found. The petitioner is languishing in custody since 10.05.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner and submitted that the specific accusation of committing rape is against the petitioner and the victim in her 161 and 164 Cr.P.C statement has also specifically alleged against the petitioner that he forcefully committed rape upon her.

Considering the fact that thrust of accusation is against the petitioner, this Court is not inclined to grant bail to the petitioner.

The prayer for grant of bail to the petitioner stands rejected.

The Trial Court is directed to expedite the trial



and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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