

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41658 of 2022

Arising Out of PS. Case No.-80 Year-2022 Thana- BARACHATTI District- Gaya

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ASHRAF QURAISHI S/O ABBAS QURAISHI Resident of Village-
Bajarkar, P.S.- Barachatti, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Binod Kumar Sinha
For the Opposite Party/s	:	Mr.Choubey Jawahar
For the Informant	:	Mr.Ashutosh Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 30-01-2023 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in connection with
Barachatti P.S. Case 80/2022, registered for the offence
punishable under Sections 376, 504 and 506 of the Indian Penal
Code.

As per prosecution case, the informant alleged that
about one year ago, she had gone to attend the call of nature
then present petitioner caught her and forcibly committed rape
upon her and made a video by unknown person, when the
informant started weeping, then the petitioner told that he will



marry her. The petitioner also threatened to make the photographs viral. On 26.09.2021 the petitioner brought her in a marriage hall and committed rape again and only with a motive to defame the informant, a news was published in Dainik Bhaskar on 27.09.2021. It is further alleged that petitioner was continuously committed rape upon the informant with a threatening to make the photograph viral.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated and has not committed any offence. The petitioner has been remanded in this case on 02.03.2022 from Barachatti P.S. Case No. 562/2021 and since then he is languishing in jail custody. The petitioner bears criminal antecedents of two cases. The date of occurrence is one year prior i.e. on 26.09.2021 but she sent petition to S.S.P. and S.P., Gaya after four months on 14.01.2022. Thereafter, FIR was instituted on 03.02.2022 which shows after a great thought this false case has been lodged.

The learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the prayer for bail of the petitioner and submitted that there is direct allegation of committing rape against the petitioner and the same is corroborated by the statement of victim recorded under Section



164 Cr.P.C.

Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner coupled with the statement of victim recorded under Section 164 Cr.P.C. and material available on record, I am not inclined to grant bail to the petitioner. Hence, prayer for bail of the petitioner stands rejected.

However, if trial is not concluded within nine months from the date of receipt / production of copy of this order, the petitioner may renew his prayer for bail.

(Alok Kumar Pandey, J)

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