

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65913 of 2023

Arising Out of PS. Case No.-398 Year-2022 Thana- UDAKISHUNGANJ District-
Madhepura

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MD. JABIR @ MD. JABIR SAH S/O MD. MOBIN @ MOBIN SAH R/O
VILLAGE- RAHTA, WEST, WARD NO. 23, P.S- UDAKISHUNGANJ,
DISTT.- MADHEPURA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 18-10-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial no.87 of 2023 (arising out of Udakishunganj P.S. Case no. 398 of 2022) registered under sections 307, 341, 323 and 376 of the Indian Penal Code.

3. As per the prosecution case, the informant states that the petitioner gave her lift on his motorcycle on the assurance that he would reach her home, took her to an isolated place and committed rape on her. Soon thereafter on giving information at the police station, the person was apprehended and identified by the informant.

4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the case. There is delay in lodging of the F.I.R. The medical report does not support the allegation of rape. There is no eye-witness to the occurrence. The petitioner is in custody since 19.11.2022 and subsequently on the informant realizing her mistake, has entered into a compromise with the petitioner, the compromise petition has been brought on record as Annexure P/3 to the petition.

5. The prayer for bail is opposed by learned A.P.P for the State.

6. Having heard learned counsel for the parties and having perused the material on record, taking into consideration the direct allegation against the petitioner by the informant of having committed rape on her, the informant's further statement recorded in course of investigation as also the contents of her statement under section 164 Cr.P.C which have all been referred to in the order by the learned trial Court, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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