

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75368 of 2022

Arising Out of PS. Case No.-361 Year-2022 Thana- KORHA District- Katihar

Md. Warish @ Warish Ali Son Of Md. Manjoor R/V- Laliya, P.S.- Korha,
District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 19-09-2023 Heard learned counsel for the petitioner,

informant and learned APP for the State.

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 376, 363, 366(A), 504, 506/34 of the Indian Penal Code.

It is alleged against the petitioner that he kidnapped the minor daughter of the informant and committed rape with her and continued the same for several times.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely



been implicated in this case. For the alleged occurrence of 01.08.2022, the F.I.R was registered on 14.08.2022 without explaining the delay. The medical report of the victim does not suggest that she has received any assault either external or internal injury and since the petitioner happens to be the friend of co-accused Md. Ajwa and informant's side has dispute with Md. Ajwa, hence, the petitioner has been roped in the present case. The petitioner is languishing in custody since 15.08.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

In contra, learned counsel appearing on behalf of the informant and learned A.P.P for the State have vehemently opposed the prayer for bail of the petitioner and submitted that there is specific allegation against the petitioner that he committed rape with the victim and the victim in her 164 Cr.P.C statement has also supported the case of the prosecution against the petitioner. During investigation, the independent



witnesses have also supported the case of the prosecution.

Considering the fact that there is specific allegation against the petitioner that he committed rape upon the minor daughter of the informant, this Court is not inclined to grant privilege of 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 concluded the same at the earliest.

(Sunil Kumar Panwar, J)

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