

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48743 of 2024**

Arising Out of PS. Case No.-279 Year-2023 Thana- MAIRWAN District- Siwan

Mohmaddin Miya @ Mohmmadin Ahmad SON OF LATE MUKHTAR
AHAAMAD @ LATE MUKHTAR MIYA village- Upadhya Chhapar Utar
Patti ,P.S- Mairwa ,Dist - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 219-08-2024
1. Heard learned counsel for the parties.

2. The petitioner in this application prays for grant of anticipatory bail apprehending his arrest in connection with Mairwan P.S.Case no.279 of 2023 registered for the offence punishable under sections 376, 420, 387, 406, 120B and 34 of the Indian Penal Code.

3. As per allegation in the F.I.R, the informant states that as she was suffering from severe headache she went to the accused who assured her that her medical problem would be cured. She was given something to eat which contained



intoxicated substance. After eating the said substance, the victim became unconscious and the petitioner committed rape on her.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case for oblique reasons. There is a delay of almost a year in lodging of the FIR. There is no medical evidence to support the prosecution case and the petitioner has no criminal antecedent. The petitioner undertakes to cooperate in the trial. It is further stated in reference to Annexure-2 that even the Pradhan of the village has written to the officer incharge of the police station that there is no truth in the allegations levelled by the informant.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation in the F.I.R., there being direct allegation against the petitioner of having committed rape on the informant, the prosecution case having been supported by the witnesses whose statements have been recorded in course of enquiry as finds mention in the order of the learned trial Court including the statement of the victim recorded under section 164 Cr.P.C., the Court is not inclined to enlarge the petitioner on bail and the application is rejected.



7. The petitioner is directed to surrender in the
learned trial Court within a period of four weeks.

(Partha Sarthy, J)

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