

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56690 of 2024

Arising Out of PS. Case No.-467 Year-2022 Thana- BAISI District- Purnia

Ahmad Hussain @ Ahmad S/o Musatak Alam @ Md Musatak R/o vill -
Surajapur tola Bagabana, P.s. - Amour, Distt.- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Prawesh Kumar, Adv
For the Informant	:	Mr. Amit Kumar Anand, Adv
For the Opposite Party/s	:	Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 03-10-2024 Heard learned counsel for the petitioner, learned
counsel for the Informant and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Baisi P.S. Case No. 467 of 2022 dated 25.11.2022 registered for the offence punishable u/ss 376 of the Indian Penal Code.

3. As per the prosecution case, the petitioner is alleged to have entered the room of the informant and started to commit rape on her against her will. On hulla, the informant's father-in-law and the mother-in-law woke up and tried to apprehend the alleged accused, however, the petitioner succeeded in fleeing away. It is further alleged that the informant's husband came home and made a complaint in Gram Kutchery but the petitioner did not turn up and thereafter, the informant informed to police



but police did not take action. At last, the informant filed complaint in the court of learned C.J.M. Purnea.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The occurrence took place on 19.08.2022 and the C.A. Case was filed on 02.11.2022 after lapse of about two and half months, no proper explanation has been given. The petitioner is friend of devar (brother-in-law) of the informant and he has no concern with the alleged offence. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 04.04.2024.

5. Learned A.P.P. for the State and learned counsel for the Informant have vehemently opposed the bail petition of the petitioner by submitting that the specific allegation is against the petitioner and the victim in her statement recorded under Section 164 of Cr.P.C. has supported the prosecution case. Earlier, the prayer for anticipatory bail has already been rejected by this Court vide order dated 04.03.2024 passed in Cr. Misc. No. 52126 of 2023.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, this Court is not inclined to grant bail to the petitioner



and the same is rejected in connection with Baisi P.S. Case No. 467 of 2022 pending in the court of learned Chief Judicial Magistrate, Purnea.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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