

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68133 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- KADWA District- Katihar

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Khatibul Rahman @ Khatibul @ Md. Khatibul Son Of Sarful Hussain @
Sarful @ Mohammad Sarfill Village- Sonapur Ps- Kadwa Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Helal Ahmad

For the Opposite Party/s : Mr.Tarun Prasad Mandal

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 05-01-2024 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a

case registered for the offences punishable under

Sections 376/313 of the Indian Penal Code.

It is alleged against the petitioner that he

committed rape upon the informant while the informant

had gone to call of nature. The petitioner again

committed rape upon the informant on the pretext of

marriage and when the informant got pregnant, the

petitioner forcibly administered her tablet and

intoxicated, as a result of which, the pregnancy of the



informant got terminated.

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 15.03.2022, the complaint was lodged on 18.11.2022 without explaining the delay. In fact, the informant has implicated the petitioner in this case only to put pressure upon the petitioner to solemnize marriage with her. The doctor has examined the victim and found her age about 20-21 years which suggests that it was a consensual relationship between the petitioner and the informant. There is no proof of termination of pregnancy of the informant. The petitioner is languishing in custody since 17.06.2023. 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 State has vehemently opposed the prayer for bail of the petitioner and submitted that the specific



accusation of committing wrong is against the petitioner and the victim in her 164 Cr.P.C statement has also specifically alleged against the petitioner that he forcefully committed rape upon her. It is further submitted that victim is unmarried but the medical report of the victim indicates that her hymen was seen ruptured.

Considering the fact that thrust of accusation is against the petitioner, this Court is not inclined to grant 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 conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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