

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73791 of 2023

Arising Out of PS. Case No.-355 Year-2017 Thana- FORBESGANJ District- Araria

Md. Israfil S/O Md. Hasib Resident Of Village-Rampur South, Ward No. 12
Dhatta Tola, P.S Forbesganj, District-Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mr. X NA NA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Narayan Sharma, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

8 20-04-2024 Let the defect(s) as pointed out by the Stamp
Reporter be removed in course of the day.

2. Heard learned counsel for the petitioner and
learned APP for the State.

3. The petitioner is an accused in a case registered for
an offence under Sections 376, 504 and 506/34 of the Indian
Penal Code

4. As per allegation in the FIR, the daughter of the
informant was working at the farm land of when the petitioner
came and started to rape her and undressed her while wrapping
her mouth with *Dupatta* so that she could not sought. When the
aunt of the victim came, the petitioner ran away. The petitioner
also threatened to kill her, if she discloses this incident to
anyone.



5. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. He next submits that petitioner has got clean antecedent and he is in custody since 25.08.2023.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. On perusal of the first information report and impugned order dated 04.10.2023, it appears that the petitioner committed rape upon the victim. On perusal of the case diary, various paragraphs of the case diary supported the case of the prosecution and aunt of the victim who is also an eye witness of the alleged occurrence and also a named witness of the FIR, is also fully supporting the case of the prosecution, so considering all aspects of the material, I am not inclined to grant bail to the petitioner.

8. Prayer for regular bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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