

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76923 of 2023

Arising Out of PS. Case No.-155 Year-2022 Thana- KASBA District- Purnia

MD. SABIR S/O LATE TAMIZUDIN VILLAGE- BALU TOLA, DIWAN
TOLA, SADHUBELY, AT PRESENT R/O- KAJARA BETAUNA, PS.
KASBA, DIST. PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 29-02-2024 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Kasba P.S Case no.155
of 2022 registered under sections 376, 341, 323 and 354 of the
Indian Penal Code and section 8 of the POCSO Act.

3. As per the prosecution case, the informant states
that the petitioner herein who happens to be her husband is an
addict and used to force her to enter into an illicit relationship
with the other accused. At his instigation, the informant was
raped by the co-accused.

4. Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the case because of



matrimonial dispute. In fact the informant was having an affair with the co-accused and to save herself that the instant false case has been lodged against this petitioner. The petitioner is in custody since 9.6.2023 and has no criminal antecedent. Charge-sheet has been submitted in the case.

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

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the FIR wherein direct allegation has been made by the informant that the petitioner used to force her to enter into an illicit relation with the co-accused Md. Arshad Alam which ultimately led to Md. Arshad Alam committing rape on her, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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