

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82972 of 2023

Arising Out of PS. Case No.-79 Year-2019 Thana- DHAMDAHA District- Purnia

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MD. JIBRAIL @NENGRA SON OF NAGO MIYAN RESIDENT OF
VILLAGE- NEERPUR, PS- DHAMDAHA, DIST- PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K Agrawal, Sr. Advocate

Ms. Diksha Kumari, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 18-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Dhamdaha P.S. Case no.79 of 2019, registered under sections 376, 448, 341, 323, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, the accused persons including the petitioner herein are said to have entered the house of the informant and on gunpoint, it is stated that the petitioner committed rape on her.

4. Learned Senior counsel appearing for the petitioner submits that the petitioner has been falsely implicated in the case as a result of the instant FIR being filed in the form of counter case to Annexure-2 registered by the petitioner herein. It was on the petitioner lodging the FIR against the brother and



other family members of the present informant that in retaliation and to setup a defence, the FIR at Annexure-1 was registered. The petitioner is in custody since 10.8.2023 and trial has commenced in the learned trial Court. He undertakes to cooperate in the trial.

5. The application for bail is opposed by learned APP for the State who submits that the victim-informant was examined in the trial and her deposition is Annexure-5 to the petition. Not only had she supported the prosecution case in her statement under section 164 Cr.P.C but has identified the petitioner and has supported the allegations of rape against him in the trial.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the deposition of the victim- informant in the trial brought on record as Annexure-5 to the petition, the petitioner having been identified and the informant having supported the prosecution case of rape against the petitioner, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. It is made clear that none of the observations made in the instant application shall be used by either of the parties in course of trial and the same is for the purpose of the instant bail



application only.

8. Learned trial Court is directed to expedite the trial and to conclude the same at the earliest preferably within a period of six months from the date of communication of the order.

(Partha Sarthy, J)

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