

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83240 of 2023

Arising Out of PS. Case No.-80 Year-2022 Thana- BARACHATTI District- Gaya

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ASHRAF QURAISHI S/O MOHAMMAD ABBAS QURAISHI @ ABBAS
QURAISHI R/O VILLAGE- BAJARKAR, POST- SARWAN BAJAR, P.S-
BARACHATTI, DISTT.- GAYA (BIHAR), PIN- 824201

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shakib Ayaz, Adv.

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 12-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Barachatti P.S. Case No. 80 of 2022, arising out of Complaint Case
No. 61 of 2022 registered for the offences punishable under Section
376, 504 and 506 of the I.P.C.

3. As per prosecution case, the informant alleged that
about one year ago, she had gone to attend nature's call then present
petitioner caught her and forcibly committed rape upon her and a
video was also recorded by unknown person on mobile. When the
informant started weeping, then the petitioner told the informant that
he would marry her. The petitioner also threatened the victim to
make her video viral. On 26.09.2021, the petitioner brought her in a
marriage hall and committed rape again and only with a motive to



defame the informant, a news was published in Dainik Bhaskar on 27.09.2021. It is alleged that petitioner committed rape upon the informant continuously and threatened her to make her video viral.

4. Learned counsel for the petitioner submits that the bail of the present petitioner has already been rejected by this Court Vide Cr. Misc. 41658 of 2022 on 30.01.2023. He further submits that petitioner has been remanded in this case from Barachatti P.S. Case No. 562 of 2021 on 02.03.2021 and since then he is in custody and he bears criminal antecedent of two cases. He further submits that the occurrence took place on 26.09.2021 but the informant sent petition to S.S.P and S.P. Gaya after four months of occurrence i.e. on 14.01.2022 and, thereafter, the F.I.R. was instituted on 03.02.2022 which shows that after a great thought, this false case has been lodged against the petitioner.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that earlier bail prayer of the petitioner has been rejected on merit vide order dated 30.01.2023 passed in Cr. Misc. No. 41658 of 2022. Learned A.P.P. further submits that there is direct allegation of committing rape against the petitioner and the same is corroborated by Statement of victim recorded under Section 164 of Cr.P.C.

6. A report regarding stage of trial has been sought by this Court and in pursuance of the said direction, the trial court vide letter no. 05 dated 05.01.2024 has sent its report in which it has been



mentioned that out of six charge-sheeted witnesses, one witness has been examined.

7. Considering the facts and circumstances of the case, particularly keeping in view that earlier bail prayer of the petitioner has been rejected on merit as well as report of the trial court, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected.

8. However, the trial court is directed to conclude the trial of the petitioner within three months from the date of receipt/production of copy of this order, by putting the trial on day to day basis. However, if the trial is not concluded within three months, petitioner may renew his prayer for bail.

(Alok Kumar Pandey, J)

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