

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85313 of 2023

Arising Out of PS. Case No.-369 Year-2023 Thana- BIRAUL District- Darbhanga

Md. Babloo @ Md. Johab Son Of Manjoor Alam @ Mansoor Alam Resident
Of Village - Akbarpur, P.S. - Biraul, District - Darbhanga

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Maruth Nath Roy, Advocate

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 20-03-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in Biraul P.S. case No. 369
of 2023 instituted for the offences under Sections 376, 341, 323,
504, 506 and 34 of the Indian Penal Code.

3. Prosecution allegation, in short, is that the petitioner
forcibly entered into the house of the informant and attempted to
commit rape on her. It was further alleged that the petitioner was
committing rape for the last six months.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case.
Learned counsel for the petitioner further submits that the



petitioner is in custody since 31.07.2023 and has no criminal antecedent. There is contradiction in the version of the informant.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. In paragraph Nos. 46 and 47 of the case diary, witnesses have supported the prosecution case. Specific allegation is against the petitioner. In her Section 164 Cr.P.C. statement, the victim has supported the prosecution case.

7. Considering the aforesaid facts and circumstances of the case, nature of allegation and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

8. The prayer is rejected. The Trial Court is directed to take all necessary steps to conclude the trial at earliest preferably within a period of nine months from the date of receipt/production of a copy of this order.

9. However, if the trial is not concluded within the stipulated period of time, the petitioner will have liberty to move before the Court below for grant of bail.

(Rudra Prakash Mishra, J)

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