

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2714 of 2024

Arising Out of PS. Case No.-232 Year-2023 Thana- BARSOI District- Katihar

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Md. Jafir @ Jafir S/o- Md. Akhtar R/o Vill- Sola Baghar, P.S- Barsoi, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghvendra Singh, Adv.

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Barsoi P.S. Case No. 232 of 2023 dated 17.07.2023, lodged under Sections 376 and 506 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been lodged against the present petitioner for committing rape but subsequently the name of three persons have been lodged on the basis of suspicion.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that the antecedent of the petitioner is clean and he is in custody since 06.05.2023.

5. Learned counsel for the petitioner further submits that there was love affairs going on between the petitioner and

the informant but subsequently, when due to some reason, the denial has been made from the family of the accused person for marriage, then *panchayati* took place and upon failure of *panchayati*, this criminal case has been filed. He further submits that the petitioner is absolutely innocent and has committed no offence. Whatever the relation developed between them, it is a consensual relation.

6. Learned A.P.P. for the State opposes the prayer for bail.

7. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the victim has narrated her statement under Section 164 of the Cr.P.C. before the Magistrate in which there is direct allegation against the petitioner which is present in the rejection order of paragraph 6.

8. In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner and, therefore, his bail petition is hereby rejected.

9. Liberty is hereby granted to the petitioner that he may renew his prayer for bail after framing of charge.

10. With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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