

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86615 of 2023

Arising Out of PS. Case No.-56 Year-2023 Thana- BHITAHA District- West Champaran

Amirul Ansari @ Amirul Miyan, S/o Late Noor Mohammad Ansari, R/o
Village - Dhuniya Patti, P.O.- Parsauna, P.S.-Bhitaha, District- West
Champaran (Bettiah)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baxi S.R.P. Sinha, Sr. Advocate
Mr. Lokesh Singh, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 19-03-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial no.591(B) of 2023, arising out of Bhitaha P.S. Case no. 56 of 2023 registered under sections 376D, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that the petitioner and one another committed rape on her.

4. Learned Senior counsel appearing for the petitioner submits that the petitioner has been falsely implicated in the case. There is an unexplained delay of more than 24 hours in reporting the matter to the police and lodging of the FIR inspite of the police station being at a distance of only 2.5 kms. The



medical report does not support the allegations of rape. The petitioner is in custody since 11.4.2023 and trial has commenced. The petitioner undertakes to cooperate in the trial.

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

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the contents of the statement of the victim under section 164 of the Cr.P.C. wherein she supports the allegations against the petitioner as levelled in the FIR together with the trial in the learned trial Court having commenced, 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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