

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72647 of 2024

Arising Out of PS. Case No.-32 Year-2024 Thana- KHANPURA District- Samastipur

Md. Habib @ Asgar S/o- Late Md. Aajir Resident of Ranjitpur P.S-Khanpur,
Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, A.P.P.

Mr. Rikesh Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

4 18-01-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Khanpur P.S. Case No. 32 of 2024, registered for the offences under Sections 341, 342, 376, 324, 307, 34 of the Indian Penal Code.

3. As per the prosecution case, petitioner committed rape with his daughter-in-law while no one was in the house.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The present case has been lodged in order to pressurize the petitioner to transfer some land in favour of the victim. The Medical Board constituted for examination of the victim lady did not find any evidence of sexual assault though it has recorded about physical assault. Therefore, medical report does not corroborate the allegation. Learned counsel further submits the allegation is not believable as there is variation in the



statement recorded under Section 161 of the Cr.P.C. and Section 164 of the Cr.P.C. of the victim lady. The petitioner is and old man aged about 74 years and he is having no criminal antecedent and charge sheet has been submitted. The petitioner is in custody since 08.06.2024.

5. Learned A.P.P. appearing for the State as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the husband of the victim stays outside and there is no material discrepancy in the statement recorded under Section 161 of the Cr.P.C. and Section 164 of the Cr.P.C. of the victim lady and she has specifically stated about commission of rape by her father-in-law in the statement recorded under Section 161 of the Cr.P.C. and Section 164 of the Cr.P.C.

6. Having regard to the seriousness of allegation, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is rejected.

7. Learned trial court is directed to expedite the trial and conclude the same at the earliest.

(Arun Kumar Jha, J)

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