

IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No.10297 of 2022

Saifuddin Sk @ College Petitioner
Versus
The State of Jharkhand Opp. Party

CORAM : HON'BLE MR. JUSTICE SUBHASH CHAND

For the Petitioner : Mrs. Nitu Sinha, Advocate
For the State : Mr. P.K. Mishra, A.P.P.
For the Informant : Mr. Shahid Yunus, Advocate

05/30.11.2022 Heard learned counsel for the applicant and learned A.P.P. for the State as well as learned counsel for the informant.

This bail application has been filed on behalf of the abovenamed applicant with prayer to release on bail in connection with Maheshpur P.S. Case No.210 of 2021 registered under Sections 376/506 of the Indian Penal Code pending in the court of learned Sub-Divisional Judicial Magistrate, Pakur.

Learned counsel for the applicant has submitted that the F.I.R. of this case was lodged by the victim herself against the accused—applicant with the allegations that on 26.10.2021, the informant—victim was at her house along with her children. At 10:30 of night, one person intruded in the house and on the point of knife he raped her and that person was identified by the victim as Saifuddin Sk @ College. The victim also told in regard to the occurrence to her husband over the mobile phone on 28.10.2021 and when her husband came back to the house from Chennai, this F.I.R. was lodged.

Learned counsel for the applicant has submitted that the applicant is innocent and has been falsely implicated in this case. It is further submitted that the occurrence is of 26.10.2021 and the F.I.R. of this case was lodged on 06.11.2021. The applicant has been languishing in jail since 27.06.2022.

Learned A.P.P. appearing on behalf of the State as well as learned counsel for the informant vehemently opposed the contentions made by the learned counsel for the applicant and contended that the occurrence is of 26.10.2021 night and the victim had also told in regard to the occurrence to her husband, who was in Chennai. Thereafter a *Panchayati* was also held in which the applicant did not appear. The delay in lodging the F.I.R. is well explained by the statement of the witnesses which was recorded by the I.O. during investigation. It is further submitted that the statement of victim is also well corroborated with the statement of her husband and other witnesses. The victim also supported the prosecution story in her statement under Section 164 Cr.P.C.

In view of the submissions made and materials on record, the bail application of the applicant is, hereby, rejected.

(Subhash Chand, J.)