

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7417 of 2015

Arising Out of PS.Case No. -68 Year- 2014 Thana -MAHILA P.S. District- NALANDA
(BIHARSHARIFF)

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Rohit Raj @ Lakhi Kumar Son of Sanjay Prasad Resident of village--
Mustafapur, Police Station- Rahui, District- Nalanda

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Raj Kishor Prasad, Advocate.

For the Opposite Party : Mr. M. Rab (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 08-04-2015 Heard both sides.

The petitioner seeks bail in Mahila P.S. Case No. 68 of 2014, registered for the offences punishable under Sections 376 and 34 of the Indian Penal Code and under Sections 4, 6 and 8 of Protection of Children Sexual Act, 2012.

The prosecutrix made very specific allegation that the petitioner committed rape with her.

Shri Yogesh Chandra Verma, the learned Senior counsel submits that the doctor did not find any sign of rape and no spermatozoa was found, the hymen was found intact. On the aforesaid findings the police did not find the case true under Section 376 of the Indian Penal Code and submitted charge sheet under Section 354 A, 354 B and 354 C of the Indian Penal Code.

On the face of record, it appears that the victim alleged that it was the petitioner who committed rape with her and on alarm fled away.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on bail. Accordingly, the same is rejected.

The trial court is directed to expedite the trial and conclude the same within six months from the date of receipt/production of a copy of this order, if the trial is not concluded the petitioner may renew his prayer for bail.

(Prabhat Kumar Jha, J.)

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