

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16138 of 2015

Arising Out of PS.Case No. -62 Year- 2014 Thana -KHAGAUL District- PATNA

Mukesh Kumar S/o Sh. Vishwanath Singh Resident of Village Kothwa,
Police Station Khagaul, District Patna. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner : Mr. Kalyan Shankar,
Mr. Bindhyachal Rai, Advocates
For the Opposite Party: Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-06-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with Khagaul P.S.
Case No.62 of 2014 for the offence instituted under Section 376 of
the Indian Penal Code.

The prosecution story, in brief, is that on 23.03.2014 at
about 7.30 P.M. the informant, namely, Rubi Kumari,, went to
fetch water from the hand-pump and at the same time, one
Mukesh Kumar came there, caught her hand and took her towards
an under-constructed house and committed rape upon her. When
she protested, the petitioner threatened her and after committing
rape, he fled away.

It has been submitted on behalf of the petitioner that the
alleged occurrence is said to have taken place on 23.03.2014

where the allegation of committing rape upon the victim was made against the petitioner. The victim was examined on the very next day i.e. on 24.03.2014 which is evident from the medical report dated 23.05.2014 i.e. Annexure-2 to the present application. From perusal of the said medical report it appears that no positive finding was made by the doctor in respect of commission of rape. Further it has been submitted that the petitioner has got no criminal antecedent and he is in custody since 15.12.2014.

On behalf of the State it has been submitted that there is direct allegation against the petitioner.

Considering the aforesaid fact that the medical report does not support of the prosecution case, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Danapur in connection with Khagaul P.S. Case no. 62 of 2014.

(Sudhir Singh, J)

B.T/-

U		T	
---	--	---	--