

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10589 of 2015

Arising out of PS.Case No. -134 Year- 2014 Thana -BARAULI District- GOPALGANJ

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Deepak Prasad, Son of Nand Kishore Prasad, resident of Village - Bahrouli,
P.S. Mashrakh, District - Saran (Chapra).

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Dharamveer, Advocate.

For the Opposite Party : Mr. Mustaque Alam (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 30-06-2015 Heard both sides.

The petitioner seeks bail in a case under Sections 366(A)
and 376/34 of the I.P.C.

The victim disclosed that the mother of the petitioner
requested her to take her to her house as she was unwell. The
victim went to the house of the petitioner and on his request she
took tea but she became unconscious after taking tea. On the next
day, the victim was found some where else with the petitioner who
committed rape with her.

It is submitted that the date of occurrence is 18.05.2014.
The victim returned to her house on 07.07.2014 and informed
about the occurrence to her family members but the victim filed

complaint on 16.07.2014 and on the basis of complaint, the present F.I.R. was lodged on 09.08.2014. The statement of the victim was recorded on 22.01.2015. The victim had solemnized marriage with the petitioner and the petitioner filed case under Section 9 of the Hindu Marriage Act for restitution of conjugal rights only thereafter the victim made her statement under Section 164 of Cr. P.C. Admittedly, the victim was not examined by the doctor.

Considering the fact that the victim returned on 07.07.2014 but after a week she lodged complaint case but she did not make any statement before the police nor her statement was recorded under Section 164 of Cr. P.C., the petitioner above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gopalganj, in Barouli P.S. Case No. 134 of 2014.

U.K./-

(Prabhat Kumar Jha, J)

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