

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3924 of 2015

Arising Out of PS.Case No. -89 Year- 2014 Thana -DEORIYA District- MUZAFFARPUR

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1. Jiyalal Mahto @ Shiv Kumar Prasad S/o Late Jamun Mahto Resident of
Village Deoria Kahar Tola, P.S. Deoriya, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey, Advocate.

For the Opposite Party/s : Mr. Rajendra Nath Jha (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 20-03-2015 Heard both sides.

The petitioner seeks bail in Deoriya P.S. Case No. 89 of
2014, registered for the offences punishable under Sections 448
and 376 of the Indian Penal Code.

The prosecutrix alleged that the petitioner entered into
her house and committed rape with her.

Learned counsel for the petitioner submits that the
prosecutrix identified the petitioner, as the petitioner is said to
have taken toddy with her husband in the preceding evening. The
husband disclosed the name of the petitioner, but no test
identification parade was held. Even the doctor did not find any
sign of rape.

It appears that the victim herself disclosed the identity

of the petitioner and her husband, on such, disclosed the name of the petitioner. The petticoat blood stained clothes were recovered. The victim gave birth to a child just three weeks before the occurrence.

Considering the facts aforesaid and the fact that the petitioner committed rape with the victim, I am not inclined to enlarge the petitioner above named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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