

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26279 of 2015

Arising Out of PS.Case No. -89 Year- 2014 Thana -BARARI District- KATIHAR

1. Rudal Yadav Son of Dinesh Yadav resident of Gurmela Bandh, P.S. Barari, District - Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 08-10-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner seeks bail in connection with Barari P.S. Case No. 89 of 2014 registered for the offences punishable under Section 376 of the Indian Penal Code.

Allegedly, when the informant/complainant was sleeping in her house, at about 1:00 am, the petitioner entered into the house and committed rape with her forcibly and on alarm being raised and the people saw the accused fleeing away. She was having pregnancy of four months.

Submission is of false implication and that there is land dispute between the parties and for that the case has been instituted by the father of the petitioner, the petitioner is in custody

since 06.06.2014, the complaint case has been filed after more than one month which was sent for institution of the First Information Report. The doctor has also not found any external or internal injury and further no spermatozoa was found and she was having pregnancy of six months.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above and noticing that it is true that the complaint case has been filed after much delay but the cause of delay has been satisfactorily explained and during investigation the witnesses have supported the allegation and further the victim in her statement recorded under Section 164 Cr.P.C. vide para 35 of the case diary has also supported the allegation, this Court is not inclined to release the petitioner on bail, accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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