

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33811 of 2015

Arising Out of PS.Case No. -22 Year- 2015 Thana -MAHILA PS District- KATIHAR

Mukesh Kumar @ Mukesh Sinha

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Adv.

For the Opposite Party/s : Mr. S.D.Singh Yadav(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 20-08-2015 Heard both sides.

The petitioner seeks bail in Katihar Mahila P.S. Case No. 22/2015, registered for the offences punishable under Section 376 and other Sections of the Indian Penal Code.

The prosecutrix alleged that the petitioner happens to be brother-in-law of her maternal uncle and their family was in touch since 2005. She went to the house of the petitioner but the petitioner administered toxin and committed rape with her and also took her naked photographs. The petitioner continued to have physical relation with her but the petitioner solemnized marriage with another girl. The prosecutrix further alleged that in the year 2014, the petitioner came and demanded extortion and also assaulted her father. The petitioner always used to eve-teasing her in the way of her School.

Learned counsel for the petitioner submits that firstly the father of the informant filed the case vide Annexure-2 but the father of the

informant did not make any allegation of ill-treatment of his daughter against the petitioner. The prosecutrix filed this case without giving the date of occurrence and narrated the story since 2005. The entire allegation is false. The prosecutrix is a major girl but she did not complain anywhere during the period of last nine years that the petitioner established physical relation with her.

Learned counsel for the informant, on the other hand, vehemently opposed the prayer for bail and submitted that the petitioner always used to assault the victim and her father.

There appears that the victim is a major girl. She made allegation of having sexual relation with the petitioner but she did not ever make complain during the period of last nine years.

Considering the facts aforesaid, 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 Sub Divisional Judicial Magistrate, Katihar, in connection with Katihar Mahila P.S. Case No. 22/2015.

(Prabhat Kumar Jha, J.)

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