

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37980 of 2014

Arising Out of PS.Case No. -76 Year- 2014 Thana -TAJPUR District- SAMASTIPUR

1. Rishikesh Kumar Choudhary @ Munna S/o Aditya Nath Choudhary
Resident of Village- Jorpura, P.S- Tajpur (Halai) District- Samastipur.
..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S.N.P.Sinha, Sr. Adv Mr. Rohit
Kumar

For the Opposite Party/s : Mr. Shyam Kumar Singh (App)

For the informant : Mr. Dhananjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

5 03-03-2015

Heard both sides.

The petitioner seeks bail in a case under sections 376 and 302 of the I.P.C.

The father of the deceased made allegation that the petitioner, being the brother-in-law of the deceased, committed rape on her, and thereafter killed her.

Mr. S.N.P. Sinha, learned senior counsel for the petitioner submits that the petitioner is an army officer. There is no eye-witness to the occurrence. The deceased gave birth to twin child and she was under depression. She committed suicide. The deceased before death wrote a letter to her sister Niru requesting her to marry her husband and she was likely to commit suicide. It is further submitted that there is no evidence that the victim was raped. The other accused persons and father-in-law and mother-in-law have already been enlarged on anticipatory bail.

The learned counsel for the informant, on the other hand, has

vehemently opposed the prayer for bail and has submitted that the petitioner has got criminal antecedent and he was accused in a similar nature of case. It is submitted from the side of the petitioner that final report was submitted in the aforesaid case. On perusal of the records, it appears that the father of the deceased made an allegation against the petitioner that the petitioner firstly committed rape on his daughter Nisha Kumari and killed her. From the post mortem report it appears that the victim got injuries in her anal and anal canal was found ruptured and there was injury on both thigh and neck was moving around. Second and third cervical vertebra were found fractured. Therefore, on the face of it, it appears that Nisha Kumari was outraged and killed.

Hence, I am not inclined to grant bail to the petitioner. The prayer for bail is rejected.

The trial court is directed to expedite the trial and conclude the trial within a period of nine months from the date of receipt of a copy of this order.

(Prabhat Kumar Jha, J)

B.Roy/-

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