

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40805 of 2015

Arising out of PS.Case No. -91 Year- 2014 Thana -BOCHHA District- MUZAFFARPUR

Mukesh Rai, Son of Basistha Rai, R/o - Village - Basauli, P.S. - Bochahan,
District - Muzaffarpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Alok Kumar Alok, Advocate.

For the Opposite Party : Mr. Rajendra Pd. Nat(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-10-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is languishing in custody since 10.07.2015
in connection with Bochahan P.S. Case No. 91 of 2014 for the
offences instituted under Section 376 of the IPC.

The accusation is of committing rape upon the victim by
the petitioner while she was cutting grass.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. The petitioner is in
custody since 10.07.2015 and the charge sheet has been submitted
in the case. There is no allegation of tampering with the evidence
against the petitioner. The alleged date of occurrence is said to be
15.03.2014 and the case was instituted on 29.03.2014. The delay

in instituting the case has not been explained by the prosecution. From perusal of Annexure-3 it would appear that the Investigating Officer has very categorically stated that the victim and her mother refused from getting the victim examined by the doctor.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released 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 Ist Additional Sessions Judge-cum-Special Judge, POCSO, Muzaffarpur, in connection with Bohahan P.S. Case No. 91/2014.

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(Sudhir Singh, J)