

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46460 of 2014

Arising Out of PS.Case No. -155 Year- 2014 Thana -VAISHALI District- VAISHALI(HAJIPUR)

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Mukesh Goswami Son of Late Mohan Goswami, Resident of Village -
Lagma, Police Station - Belsar (Out Post), District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

3. 04-02-2015

Heard Mr. B. P. Verma, learned senior counsel

assisted by Mr. Madhuri Lata, learned counsel for the
petitioner and learned A.P.P. for the State.

The petitioner seeks bail in Vaishali (Belsar
O.P.) P.S. Case No. 155 of 2014 dated 01.07.2014 instituted
under Sections 341/323/376/504 of the Indian Penal Code
and 4 of the Protection of Children from Sexual Offences Act,
2012.

Learned counsel for the petitioner submits
that though the allegation is of committing rape on his cousin
sister, but the story is false as there was some dispute between
the two parties which is admitted in the F.I.R. itself, in which it
has been stated that initially the matter went to Panchayati
and when the same was not solved, the F.I.R. was lodged, as
for an incident of rape there could not have been any
Panchayati. Learned counsel submits that there is no
explanation for delay in lodging of the F.I.R. as the date of

incident is said to be 28.06.2014 whereas F.I.R. has been lodged on 01.07.2014. It is further submitted that the medical examination of the girl held on the same day discloses that there were no internal or external injury and further on the basis of internal examination and lab report, no sign of sexual assault was found. It is submitted that the petitioner has clean antecedent and is in custody since 01.07.2014. It is further submitted that the petitioner had volunteered for medical examination but for reasons best known to the prosecution, the same was not done.

Learned A.P.P. opposes the prayer for bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-I-cum-Special Judge, Vaishali at Hajipur in Vaishali (Belsar O.P.) P.S. Case No. 155 of 2014. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J.)

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