

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26645 of 2015

Arising Out of PS.Case No. -152 Year- 2014 Thana -RIGA District- SITAMARHI

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1. Radhe Mahto @ Radhey Mahto, son of Late Kalicharan Mahto, Resident
of village- Nazarpur, P.S. Riga, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 12-10-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Riga P.S.
Case No.152 of 2014 registered for the offences punishable under
Sections 376 and 384 of the Indian Penal Code.

On the basis of complaint petition the case has
been registered on the allegation that on 20.05.2014 at about 11:00
pm when the informant was sleeping in her house along with her
children, then the petitioner came in her house with one unknown
person and when the petitioner tried to commit rape, she raised
alarm but that unknown person gauged her mouth and pointed
knife and caused threats and then the petitioner committed rape
with her. The children and mother-in-law also started making hue
and cry, then the petitioner and co-accused fled away.

Submission is of false implication and that due to previous litigation the petitioner has been implicated who is suffering in custody since 17.04.2015 having no criminal antecedent. Without any proper investigation chargesheet has been submitted against the petitioner, the complaint case was filed after delay of two days, and as such, the petitioner deserves sympathetic consideration.

Learned APP opposes the prayer of bail by submitting that during investigation witnesses have supported the allegation, some of the witnesses have seen the petitioner fleeing away from the house of the informant and further finding the case true chargesheet has been submitted.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner to be serious in nature, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

However, the trial court is directed to expedite the trial and conclude the same as early as possible, preferably within six months, failing which the petitioner may renew his prayer for bail.

(Jitendra Mohan Sharma, J)

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