

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55793 of 2015

Arising Out of PS.Case No. -1918 Year- 2012 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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1. Rama Shankar Mehta @ Munna Mehta, son of Prahlad Mehta, Resident of Village- Fulout, P.S. Chausa, O.P.- Fulout, District- Madhepura. At present C/o Binod Mandal S/o Rama Mandal, resident of Village- Vithi, P.S.- Sabour, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Anita Devi, W/o Janardan Mandal, resident of Village- Vithi, P.S. Sabour, District- Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parmeshwar Mehta

For the Opposite Party/s : Mr. Rita Verma (App)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO

ORAL ORDER

2 17-12-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, namely, Rama Shankar Mehta @ Munna Mehta is in custody in Complaint Case No.1918 of 2012 under Section 376 of the Indian Penal Code.

It appears that the complaint was filed by Anita Devi (complainant) on 24.08.2012 alleging that in the night of 10.07.2012 at about 12 o'clock the present petitioner committed rape on her.

The learned counsel submitted that there is much delay



in lodging the F.I.R. There is no explanation about the delay. No medical report has been annexed and in fact the petitioner is the son-in-law of brother of the complainant and both parties are residing in the same place. The complainant is mother of five children and according to her statement the eldest son is 16 years of age whereas the petitioner is married and has only one daughter and the petitioner is living with his wife near the house of the complainant. There is land dispute between the parties.

Perused the complaint case and the statement of the complainant on Solemn Affirmation. At paragraph 10 she has stated that she has got five children and the eldest son is 16 years of age. The petitioner is also married and has a daughter and the petitioner resides with his wife near the house of the complainant. No injury report or medical report has been filed by the petitioner.

It is admitted by the complainant that the petitioner is the son-in-law of the brother of the complainant and accordingly the complainant is cousin mother-in-law.

Considering the above facts and circumstances of the case and the nature of allegation and that the petitioner is also residing there with his wife having a daughter, I direct that the petitioner named above be released on bail on furnishing bail bond

of Rs.5,000/-(Rupees five thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Bhagalpur in connection with Complaint Case No.1918 of 2012.

(Mungeshwar Sahoo, J)

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