

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25976 of 2015

Arising Out of PS.Case No. -25 Year- 2015 Thana -MAHILA PS District- JEHANABAD

1. Ajay Yadav @ Ajay Kumar son of Binod Yadav resident of village-
Maniari Tola Daroga Bigha P.S. Kako District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Hriday Prasad

For the Opposite Party/s : Mr. Nagendra Pd.(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-07-2015 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in Jehanabad Mahila P.S.Case No. 25/15 instituted under Section 376 of the Indian Penal Code, pending in the Court of Sri Shailendra Kumar, A.D.J. 1, Jehanabad.

The prosecution story, in brief, is that on 4.3.2015 at 7 P.M. she (informant) has gone for natural call and after natural call she was cleaning hand at Hand Pump near school and at that time accused, Ajay Yadav, came and caught her and opened her salwar and caught her breast and thereafter also opened paint and started committing rape and on hulla when witnesses came he fled away.

It has been submitted on behalf of the petitioner that the

alleged date of occurrence is 4.3.2015 but the case has been instituted on 11.3.2015. For the said delay no reasonable explanation has been made on the part of the prosecution. It is further submitted that from perusal of medial report, which is Annexure 3 to the supplementary affidavit, it would appear that no sign of rape has been found upon the victim. It is further submitted that the petitioner has got no criminal antecedent.

On behalf of the State it has been submitted that specific allegation has been made against the petitioner for committing offence. Further the victim in her statement u/s 164 Cr.P.C. has also supported her version what she has stated in the FIR.

Considering the aforesaid facts, I am not inclined to grant anticipatory bail to the petitioner and the same is rejected.

However, if the petitioner surrenders in the court below within a period of four weeks and pray for regular bail, the same shall be considered by the court below on its sown merit without being prejudiced by this order of rejection.

(Sudhir Singh, J)

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