

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34111 of 2014

Arising Out of PS.Case No. -114 Year- 2014 Thana -DESARI District- VAISHALI(HAJIPUR)

1. Sunil Kumar Son of Hirday Rai Resident of Village- Desari, Police Station- Desari in the District of Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.34601 of 2014

Arising Out of PS.Case No. -114 Year- 2014 Thana -DESARI District- VAISHALI(HAJIPUR)

1. Akhilesh Kumar Rai @ Surel Rai @ Mithilesh Kumar Rai S/o Udhaw Lal Rai @ Udai Rai Resident of Village Ram Kichani, P.S. Desari, District Vaishali at Hajipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.34111 of 2014)

For the Petitioner/s : Mr. Ranjeet Kumar

For the Opposite Party/s Mr. Ram Shankar Das(Spl.P.P.)

(In Cr.Misc. No.34601 of 2014)

For the Petitioner/s : Mr. Mukesh Kumar No-1

For the Opposite Party/s Mr. Sadanand Paswan(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/22.01.2015

Both the above stated petitions arise out of Desari P.S. Case no. 114/2014 registered under section 376 (G) of the IPC, PISCO as well as section 3 (X) of the SC/ST (Prevention of Atrocities) Act, 1989 and accordingly, both the above stated petitions are being disposed of by this common order.

Heard learned counsel for the petitioners as well as learned

Addl. Public Prosecutor for the State.

Petitioner in Cr. Misc. no. 34111/2014 is named in the first information report with specific allegation that he as well as 3 to 4 unknown persons committed gang rape on the informant. So far as the petitioner in Cr. Misc. no. 34601/2014 is concerned, his name surfaced in this case when statement of informant (victim) was recorded under section 164 Cr.P.C.

It would appear from perusal of the statement recorded under section 164 Cr.P.C that victim was minor at the time of alleged occurrence and she very categorically stated about role played by both petitioners.

Learned counsel appearing for the petitioner in Cr. Misc. no. 34111/2014 submits that present case has been lodged on account of petty dispute and, as a matter of fact, when informant (victim) was medically examined, doctor did not find any sign of rape on the person of victim.

Learned counsel appearing for the petitioner in Cr. Misc. no. 34601/2014 submits that admittedly, statement of victim under section 164 Cr.P.C was recorded after 20 days of alleged occurrence and possibility of false implication of the petitioner in Cr. Misc. no. 34601/2014 due to dirty village politics could not be ruled out.

Taking into consideration the aforesaid facts and circumstances as well as submissions of the parties, I am not inclined to grant privilege of bail to petitioners and accordingly, their prayer for bail stands rejected.

However, trial court should expedite trial of the petitioners



and try to conclude the same as early as possible.

shahid

(Hemant Kumar Srivastava,J)

