

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37396 of 2014

Arising Out of PS.Case No. -114 Year- 2014 Thana -CHARIABARIYARPUR District-
BEGUSARAI

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1. Md. Harun S/o Bada Suleman Resident of Village - Sakarwasa, P.S. -
Cheriya Bariyarpur, District - Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Zainul Abedin(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 28-01-2015 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

There is specific allegation of rape against the
petitioner but submission on behalf of the petitioner is that in
written report, the informant states that the alleged occurrence
took place in her house, whereas in her statement recorded under
section 164 Cr.P.C, she has stated that petitioner took her in his
house and committed rape therefore, the aforesaid contradiction
creates doubt about the genuineness of the prosecution case. It is
further contended by him that the medical report also does not
corroborate the story of rape.

Considering the aforesaid facts and circumstances as

well as this aspect of the matter that in course of investigation, not only informant but also several other witnesses supported the prosecution case, I am not inclined to grant privilege of bail, to the petitioner accordingly, his prayer for bail in connection with Cheriya Bariyarpur P.S. Case No. 114 of 2014, pending in the court of Chief Judicial Magistrate, Begusarai stands rejected.

However, if the case of the petitioner has not been committed to the court of session as yet, it must be committed within three weeks in accordance with law from the date of receipt/ production of copy of this order.

(Hemant Kumar Srivastava, J)

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