

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38336 of 2014

Arising Out of PS.Case No. -18 Year- 2014 Thana -MAHILA P.S. District- BHAGALPUR

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1. Dahyan @ Dhayan S/o Md. Jamil r/o - Fatehpur, P.S. - Zeromile, Distt. - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha

For the Opposite Party/s : Mr. Dr.Ajeet Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 16-02-2015 Heard the learned counsel for the petitioner, the learned A.P.P. as well as learned counsel for the informant.

The petitioner seeks bail in a case for the offences punishable under sections 376, 341, 323, 504, 506 and 509/34 of the I.P.C.

Allegedly the petitioner committed rape with the informant.

Submission is that the F.I.R. has been lodged after much delay. The occurrence alleged to have been taken place on 25.03.2014 but information was given on 28.03.2014 and during medical examination no evidence of any recent sexual intercourse has been found and the petitioner has voluntarily surrendered on 05.05.2014 and since then he is in custody.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that after the occurrence the informant has fallen ill and due to that some delay has been caused.

Considering the allegation attributed against the petitioner, this Court is not persuaded to release the petitioner on bail. Accordingly, his prayer for bail stands rejected in connection with Mahila P.S. Case No. 18 of 2014 pending in the Court of S.D.J.M. Bhagalpur.

The Trial Court is directed to expedite the trial and conclude the same as per amended provision of section 309 Cr.P.C. The petitioner may renew his prayer for bail after examination of the victim.

(Jitendra Mohan Sharma, J)

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