

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6809 of 2015

Arising Out of PS.Case No. -36 Year- 2014 Thana -MAHILA P.S. District- SAMASTIPUR

Ram Sewak Singh Son of Late Jageshwar Singh Resident of Village-
Ladaura, P.S.-Kalyanpur, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

With

Criminal Miscellaneous No.8865 of 2015

Arising Out of PS.Case No. -36 Year- 2014 Thana -MAHILA P.S. District- SAMASTIPUR

Prabhat Kumar son of Ramashish Singh resident of village - Ladaura, Police
Station - Kalyanpur, District - Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance:

(In Cr. Misc. No.6809 of 2015)

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate.

For the Opposite Party/s : Mr. Ram Shankar Das, Spl. P.P.

(In Cr. Misc. No.8865 of 2015)

For the Petitioner/s : Mr. Krishna Chandra, Advocate.

For the Opposite Party/s : Mr. Ram Shankar Das, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 31-03-2015 Heard Mr. Rama Kant Sharma, learned senior
counsel, and Mr. Krishna Chandra, learned counsel for the
petitioners, namely, Ram Sewak Singh and Prabhat Kumar, and
learned A.P.P. for the State.

The petitioners seek bail in a case under Sections
376/34 of the Indian Penal Code and Section 3(XII) of the

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The brother of the victim made allegation that his sister is a dumb, who gave birth to a female child. He came to know that Ram Sewak Singh and Prabhat Kumar committed rape with the victim.

Learned counsel for the petitioners submits that the victim, as disclosed by the informant himself, is aged about 30 years. She is only dumb but she understands everything. She did not make any objection or protest at the time of rape or immediately thereafter. The victim filed a compromise petition. Therefore, the police got her statement recorded under Section 164 Cr.P.C. It is submitted that on perusal of the facts it appears that the victim was a consenting party to have sexual relation. The petitioners were not put on T.I.P.

On perusal of the records, it appears that the brother of the informant made statement and thereafter the statement of the victim was recorded. The victim also made her statement under Section 164 Cr.P.C. She disclosed about rape having been committed on her. She also picked up two photographs of both the petitioners and thus named the petitioners. It appears that the petitioners, on one pretext or other, committed rape with the

victim, who is a dumb and appears to be of dull intellect.

Considering the facts aforesaid, I am not inclined to enlarge the above named petitioners on bail at this stage in Samastipur Women P.S. Case No. 36 of 2014. Accordingly, the same is rejected.

The trial court is directed to expedite the trial and conclude the same within nine months from the date of receipt of this order.

If the trial is not concluded within the above stipulated period of time without any fault on the part of the petitioners, the petitioners may renew their prayer for bail firstly in the trial court.

(Prabhat Kumar Jha, J)

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