

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47170 of 2014

Arising Out of PS.Case No. -38 Year- 2014 Thana -MAHILA P.S. District- BANKA

=====

1. Rajesh Kumar Yadav son of Rajendra Yadav resident of village -
Shasan, P.S. Banka, District - Banka

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Chaudhary Prem Kumar Thakur

For the Opposite Party/s : Mr. Kanhaiya Kishore(App)

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 04-02-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Banka
Mahila P.S. Case No. 38 of 2014 registered for the offences
punishable under Sections 376, 504, 323/34 of the Indian Penal
Code.

Allegedly, the petitioner committed rape with the
informant/complainant and thereafter gave assurance to marry
with her and on that assurance committed sexual assault with her
resulting the informant became pregnant and when she told him,
he refused to marry.

Submission is that the petitioner has falsely been
implicated and moreover, the case comes under the consensual

sex, the petitioner is ready for any test including paternity test. The case has been lodged after much delay which has not been explained. The petitioner has voluntarily surrendered on 31.7.2014 and since then he is in custody. In this case chargesheet has already been submitted and there is no chance of tempering with the prosecution evidence to which the learned APP opposes.

In the facts and circumstances stated above and considering the allegations attributed against the petitioner to be serious in nature, this Court is not inclined to enlarge the petitioner on bail. Accordingly, his prayer for bail stands rejected.

In case, the petitioner files any petition for paternity test the same shall be considered accordingly, by the learned court below.

(Jitendra Mohan Sharma, J)

avin/-

U		T	
---	--	---	--