

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18248 of 2015

Arising Out of PS.Case No. -8 Year- 2015 Thana -MAHILA P.S. District- SIWAN

Harendra Sah S/O Late Gama Sah Resident of village Udian Tola, PS G.B. Nagar Tarawara, District - Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Chandra Kant, Advocate.

For the Opposite Party : Mr. Amrendra Pd.(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 06-07-2015 Heard both sides.

The petitioner seeks bail in Siwan Mahila P.S. Case No. 8 of 2015, registered for the offences punishable under Section 376 of the Indian Penal Code.

The prosecutrix made allegation that in the night of 19.12.2014, the petitioner entered into her house and committed rape with her. The petitioner also took naked photograph of the prosecutrix.

It is submitted that the date of occurrence is 19.12.2014, but the FIR was lodged on 04.01.2015. The sister of the prosecutrix is said to have seen the occurrence, but she did not disclose it to anybody. The doctor also could not find any sign of rape. The prosecutrix is aged about 40 years and she has got three

children aged about 15, 14 and 12 years respectively.

On the other hand, learned counsel for the informant vehemently opposed the prayer for bail and submitted that the prosecutrix is an illiterate lady and she is living in countryside. Due to utter humiliation, she could not lodge the case immediately after the occurrence.

From the facts itself, it appears that the prosecutrix is a middle aged woman who has got three children the eldest is 15 years old. The prosecutrix did not give any satisfactory explanation for lodging the case after more than two weeks. The doctor also did not find any sign of rape.

Considering the facts aforesaid, the petitioner above named is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in Siwan Mahila P.S. Case No. 8 of 2015.

(Prabhat Kumar Jha, J.)

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