

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17224 of 2015

Arising Out of PS.Case No. -34 Year- 2014 Thana -MALAYPUR District- JAMUI
=====

1. Gorelal Yadav Son of Moti Yadav resident of village - Devachak, Police
Station - Malaypur, District - Jamui

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s Mr. Hirday Pd.Singh(App)
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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

05/ 28.09.2015 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

There is specific allegation of gang rape against the
petitioner and other accused.

The submission on behalf of the petitioner is that first
information report was lodged after six days of alleged occurrence and
no sufficient explanation was given. It is further contended on behalf
of the petitioner that medical report of the victim also does not support
the accusation and apart from this, no injury either on the person of
the victim or on the petitioner was found.

On the other hand, learned Addl. Public Prosecutor points
out that blood stained cloth and other materials were recovered from
the place of occurrence and victim has supported the accusation in her
statement recorded under section 164 of the Cr.P.C. It is further
contended by him that victim was minor and she was terrorized by the

petitioner and his associates after occurrence that was the reason, she could not muster courage to tell before her parents.

Considering the facts and circumstances as well as submissions of the parties, I do not feel it proper to release the petitioner on bail and hence, his prayer for bail in connection with Malaypur P. S. case no. 34/2014 pending in the court of the Chief Judicial Magistrate, Jamui stands rejected.

However, Chief Judicial Magistrate, Jamui/ concerned court is directed to commit the case of the petitioner to the court of sessions, if the same has not been committed as yet and after commitment, the concerned Sessions court must expedite the trial of the petitioner.

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(Hemant Kumar Srivastava,J)

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