

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28336 of 2015

Arising Out of PS.Case No. -197 Year- 2014 Thana -BAHERI District- DARBHANGA

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1. Raja Ram S/o Foolu Ram resident of Village - Simra, Navtoliya, P.S. Baheri, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Jha

For the Opposite Party/s : Mr. S.D. Singh Yadav (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 05-08-2015 Heard the learned counsel for the petitioner, the learned counsel for the informant and the learned Additional Public Prosecutor.

The petitioner seeks bail in a case under Section 376 and other sections of the Indian Penal Code.

The prosecutrix made allegation that on 20.06.2014 she went to pick up mangoes but the petitioner committed rape on her. She raised alarm and many persons saw the occurrence. The complainant did not lodge the case immediately after the occurrence. She filed the complaint petition on 30.06.2014.

It is submitted that no occurrence, as alleged by the complainant, has ever taken place. There is no medical report. The prosecutrix is aged about 36 years and except the ocular version

which is tutored on account of such belated information, there is no material against the petitioner.

On the other hand, the learned counsel for the informant vehemently opposed the prayer for bail.

It appears that prosecutrix informed the villagers about the occurrence on the same day but she did not lodge the case and she lodged the case after ten days of the occurrence. The prosecutrix has not given any satisfactory explanation for such delay.

Considering the facts aforesaid, the above named petitioner 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, Darbhanga in Baheri P.S. Case No. 197 of 2014.

(Prabhat Kumar Jha, J)

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