

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26451 of 2015

Arising Out of PS.Case No. -46 Year- 2014 Thana -ASARGANJ District- MUNGER

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1. Pankaj Kumar Yadav @ Pankaj Kumar @ Pankah Kumar Yadav @
Pankaj S/o Sri Kapildeo Yadav, resident of Village- Dulhar, P.S.- Asarganj,
District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Arun Kumar Pandey (App)

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

3 12-10-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

Petitioner seeks bail in connection with Asarganj P.S.
Case No. 46 of 2014 registered for the offences punishable under
Sections 376 of the Indian Penal Code.

Allegedly when the informant was sleeping with her
daughter in her house and her husband was sleeping on the ground
floor, the petitioner entered into the house and started committing
rape with her forcibly, then the informant cried and thereafter with
blade she cut the private part of the petitioner and then he fled
away in naked condition and his torch, black trousers and slippers
were left in the house. In spite all the best efforts made by the

informant/complainant, case was not registered and then the complaint was filed which was sent for institution of the case and investigation.

Submission is of false implication and that the informant in her further statement has not supported the fact that black trousers, torch and slippers were left by the petitioner and her statement is otherwise. The petitioner has voluntarily surrendered. He is a constable and at the time of occurrence, he was on his duty. He has got no criminal antecedent. No witness of the village has supported regarding hearing of alarm, raised by the informant and, as such, the petitioner deserves sympathetic consideration as chargesheet has already been submitted.

The learned A.P.P. opposes the prayer of bail by submitting that the husband of the informant has supported the allegation. The petitioner is in police service and, as such, the police officials only with a view to help the petitioner, did not get her examined under Section 164 of the Code of Criminal Procedure and further no medical examination was got done.

In the facts and circumstances stated above considering the allegation attributed against the petitioner, this court is not inclined to enlarge the petitioner on bail. Accordingly, such prayer stands rejected.

However, the petitioner may renew his prayer for
bail after examination of the informant during trial.

(Jitendra Mohan Sharma, J)

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