

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14089 of 2015

Arising Out of PS.Case No. -19 Year- 2012 Thana -SIMARI District- BUXAR

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1. Sanjay Tiwary Son of Late Sri Niwas Tiwary Resident of Village + Post -
Asha Parari, P.S. - Simari, District - Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Digvijay Kumar Ojha

For the Opposite Party/s : Mr. Rana Randhir Singh(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

5 01-10-2015 Two separate supplementary affidavits are filed on
behalf of the petitioner.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

There is specific allegation of rape against the
petitioner and semen was found on the clothes of the informant.

Although learned counsel for the petitioner submits
that petitioner has been implicated on account of previous enmity
because as a matter of fact, prior to alleged occurrence, petitioner
had filed a petition before the Gram Panchayat against the
informant's family members and that is the reason of false
implication of the petitioner. It is further contended by him that
even if, the prosecution story assumed to be true, then also, the

statement of informant, recorded in course of trial, reflects that she was a consenting party.

Regard being had to the facts and circumstances of the case as well as submission of the parties, I am not inclined to release the petitioner on bail and accordingly, his prayer for bail in connection with Simari P.S. Case No. 19 of 2012 pending in the court of learned Chief Judicial Magistrate, Buxar stands rejected.

However, learned trial court is directed to expedite the trial of the petitioner and try to conclude the same as early as possible.

(Hemant Kumar Srivastava, J)

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