

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16795 of 2015

Arising Out of PS.Case No. -113 Year- 2011 Thana -SHIWAPATHI District- MUZAFFARPUR

=====

1. Harendra Ram son of Dashrath Ram resident of Village - Anjana Court,
P.S. - Motipur, District – Muzaffarpur Petitioner

Versus

1. The State of Bihar Opposite Party

=====

Appearance :

For the Petitioner : Mr. Ranjeet Kumar Singh, Advocate

For the Opposite Party : Mr. Nand Kishore Pd.(App)

=====

CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD

ORAL ORDER

5 21-08-2015

Heard the learned counsel for the petitioner and the State.

This is a petition for grant of regular bail for offence under Section 376/34 of the Penal Code.

There is specific allegation that one Harendra Ram asked the victim to stop and then she disclosed that she was going to her house and she is by caste a dom and asked to what he has to do and then out of two persons one wanted to take his child and Hrendra Ram took the victim in a bush and raped her. The learned counsel for the petitioner submits that the wife of the petitioner has field a rape case against one Surendra Rai for which Motipur P.S. Case No. 79 of 2004 has been filed and this lady has been set up by said Surendra Rai to falsely implicate the petitioner to influence the rape case filed by the wife of Surendra Rai. It is further submitted that even the medical examination of this victim has not been done on the plea that she is a married woman living with her husband. However, having regard to the facts and circumstances that the victim is not a girl but a lady and refused for medical examination and there is no corroboration though she said that on her cry many people came, but, she did not say that

she informed any one in the first information report. However, at the stage of trial prosecution story has been developed creating the evidence regarding her disclosure and the case has been instituted on the next day of the occurrence.

Hence, having regard to the facts and circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Sessions Trial No. 819 of 2014 arising out of Siwaipatti P.S. Case No. 113 of 2011 (G.R. No. 4667 of 2011) to the satisfaction of the Additional Sessions Judge, VII, Muzaffarpur.

(Gopal Prasad, J)

SA/-

U	√	T	√
---	---	---	---