

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51638 of 2015

Arising Out of PS.Case No. -45 Year- 2015 Thana -SIKTI District- ARRARIA

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1. Jalal Ansari son of Bakhtar Ansari Resident of Village - Barudah, P.S.-
Sikti, District - Araria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri

For the Opposite Party/s : Mr. M.Dayal(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 14-12-2015 Heard both sides.

The petitioner is accused of having committed rape on the prosecutrix who is a married lady aged about 25 years vide Sikti P.S. case no. 45 of 2015.

It is alleged that while she was alone in the house, the petitioner forcibly entered after breaking the door and committed rape on her. She became senseless. Next morning her gotani came from marriage place when water was sprinkled. On the next day when she was going to the field, the accused again tried to molest her. When protested, the petitioner lifted her cloth and spread chilli dust in the private part.

Contention of the petitioner is that there is delay of two days in lodging the case .The doctor who medically examined

her did not find fresh mark of injury on the private part which negate the case of the prosecution. Petitioner is in custody since 11.06.2015.

Mr. Dayal, learned APP, on the other hand opposed the prayer and contended that there is direct allegation of having committed rape on the lady against the petitioner against her will. Considering the allegation and the other materials available on record, I am not inclined to admit the petitioner to bail. Prayer is, accordingly, rejected.

Since the charge sheet has already been submitted, this Court observes that if there is undue delay in taking up the trial, the petitioner shall have liberty to renew prayer for bail in the Court below itself.

(Kishore Kumar Mandal, J)

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