

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26730 of 2015

Arising Out of PS.Case No. -145 Year- 2014 Thana -DIDARGANJ District- PATNA

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Diwali Rai S/o Anandi Rai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. Sakir Ahmad (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 20-07-2015

Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 376/34 of the Indian Penal Code.

It is alleged against the petitioner that he caught hold of the informant when co-accused Ainul Ali ravished her.

It is submitted by learned counsel for the petitioner that as per 164 Cr.P.C. statement the victim wherein she has stated that co-accused Ainul Ali established forceful relationship with her, hence, no case under section 376 IPC is made out against the petitioner. It is further submitted that due to dispute with regard to transfer of land, the accusation has been levelled and the thrust of accusation is against the co-accused Ainul Ali.

The aforesaid facts constitute good ground for consideration of prayer for regular bail.

Let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Didarganj P.S. Case No.145 of 2014, pending before the learned Chief Judicial Magistrate, Patna.

With the above observation, this application is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

Ashwini/-

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