

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16493 of 2015

Arising Out of PS.Case No. -212 Year- 2014 Thana -RAMKRISHNANAGAR District- PATNA

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Jitendra Rai @ Jitendra Son of Late Devi Lall Yadav, Resident of Village Bhupatipur, P.O. Dhelwa, Police Station Ram Krishna Nagar, District Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Nawal Kishore Prasad, Advocate

For the Opposite Party: Mr. A.M.P.Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-06-2015 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Ram Krishna Nagar P.S. Case No.212 of 2014 for the offence punishable under Sections 376 and 342 read with Section 34 of the Indian Penal Code and Sections 6, 8 and 10 of the POSCO Act.

The prosecution story, in brief, is that on 30.10.2014 at about 11.30 A.M. the informant proceeded from her residence situated at Punpun to provide **Prasad of Chhath** at the residence of her Bhabhi at Ram Krishna Nagar and when she reached there she found that her Bhabhi had changed her residence. So she called upon brother of her Bhabhi, namely, Akshay on his telephone. It is further alleged that at about 3.20 P.M. Akshay came there and



she asked him to leave her at her house. When they reached at Ram Krishna Nagar Mushari at about 6.30 P.M., four boys surrounded them. Out of them, two caught Akshay and two boys took her in a semi-constructed apartment where they committed rape upon her and two boys were watching. It is further alleged that the petitioner was caught and he disclosed his address at Bhupatipur.

It has been submitted on behalf of the petitioner that the petitioner has not committed rape upon the victim girl and at best it can only be said that an attempt to commit rape was made and the same is evident from Annexure-2 which is a photo copy of the statement of the victim girl made under Section 164 of the Code of Criminal Procedure. From the impugned order it appears that the doctor has also not found any mark of injury on the body of the victim girl. It has further been submitted that the petitioner has got no criminal antecedent and he is in custody since 01.11.2014.

On behalf of the State it has been submitted that there is specific allegation against the petitioner for making an attempt to commit rape upon the victim girl.

Considering the period of custody of the petitioner let him be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each

to the satisfaction of learned Ist Additional Sessions Judge, Patna
in connection with Special Case No.47 of 2014 arising out of
Ram Krishna Nagar P.S. Case No.212 of 2014.

(Sudhir Singh, J)

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