

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11498 of 2015

Arising Out of PS.Case No. -12 Year- 2014 Thana -MAHILA P.S. District-
SHEOHAR

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Avinash Kumar @ Vikki @ Avnish Kumar S/o Hari Shankar Prasad
resident of Village Madhopur Anant, P.S. Sheohar, District Sheohar.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Adv.

For the Opposite Party/s : Md Mustaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

5 12-08-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in Mahila P. S. Case No. 12
of 2014 registered for the offence punishable under Sections
376(2)(1), 147 148, 149, 447, 323, 324, 504 of IPC and 4 of
Protection of Children from Sexual Offences Act.

Allegation against the petitioner is that he committed
rape of the prosecutrix and threatened not to make any complaint.

Learned counsel for the petitioner submits that
alleged occurrence has taken place on 12.9.2014, whereas, the
case has been lodged on 14.9.2014 and there is no explanation for
the delay. The doctor has also not found any sign of rape. The
family members of the petitioner have been falsely implicated in
this case due to land dispute.



Learned counsel for the State submits that the occurrence has taken place when the prosecutrix was alone in her house and while she was lightening the lamp on the darwaja, the petitioner entered into the house of the prosecutrix and committed her rape. Her parents were outside. The petitioner had threatened not to lodge the case. Later, when the mother and father of the prosecutrix came to the house, she was going to lodge the case, thereafter, the prosecutrix and her parents had been assaulted by the petitioner and his family members. Delay has been explained. Medical examination was held on 15.9.2014, whereas, the occurrence has taken place on 12.9.2014. Medical report also shows injuries on the person of the prosecutrix and her parents. During investigation, the case has been found true and the charge-sheet has already been submitted.

Considering the facts and circumstances, in my opinion, the petitioner does not deserve bail at this stage. His prayer for bail is rejected.

(Amaresh Kumar Lal, J)

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