

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6553 of 2016

Arising Out of PS.Case No. -70 Year- 2015 Thana -MAHILA P.S. District- SAHARSA

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1. Ramakant Sharma Son of Late Fani Lal Sharma, Resident of Village -
Korlahi, Ward No. 39, P.s. and District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Mukund, &
Mr. Subesh Sharma

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

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 12-04-2016 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence punishable under section 376 of the Indian Penal
Code.

Allegedly, the petitioner committed rape with the
minor grand daughter of the informant who is dumb and the
petitioner fled away after leaving his scarf.

Submission is of false implication due to
previous dispute with regard to the passage between the petitioner
and the informant and this case has been lodged as a pressure
tactics, petitioner was arrested from the courtyard of the informant
on 18.11.2015 and it also creates doubts over the prosecution

story, the date of occurrence is 16.11.2015 and the case has been instituted on 18.11.2015, the Doctor has found that fresh blood was coming out which is not believable, the petitioner is an old man aged about 62 years and as such he deserves sympathetic consideration.

Learned A.P.P assisted by the learned counsel for the informant opposed the prayer for bail by submitting that the injury has been found on the person of the victim and fresh blood was also found coming by the doctor, victim was aged about 10-12 years at the time of occurrence.

In the facts and circumstances stated above and considering that the allegation against the petitioner being serious in nature, I am not inclined to grant the privilege of bail to the petitioner in connection with Saharsa Mahila P.S. Case No. 70 of 2015 pending in the court of Sri M.M.S. Lal, Additional Sessions Judge, Saharsa. Prayer for bail of the petitioner is, accordingly, rejected.

However, the trial court is directed to conclude the trial of the petitioner as per the amended proviso to Section 309 of the Code of Criminal Procedure, 1973.

(Jitendra Mohan Sharma, J)

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