

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11086 of 2016

Arising Out of PS.Case No. -473 Year- 2015 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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1. Banarsi Yadav Son of late Chamak Lal yadav Resident of Village-Jiwan
Khutahri PS Mehagama District Godda (Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tarun Prasad Mandal

For the Opposite Party/s : Mr. Md.Arif(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 28-03-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered under Section-
376 of the Indian Penal Code.

There is specific allegation of rape against the
petitioner but submission on behalf of petitioner is that according
to prosecution case itself, the alleged occurrence took place in the
night of 29/30-07-2015 but the first information report was lodged
on 02-08-2015 and no explanation of the aforesaid delay has been
given by the informant. It is further submitted on behalf of
petitioner that the medical report also does not corroborate the
allegation of rape.

Regard being had to the facts and circumstances of the

case as well as above-said submission of the parties, I am not inclined to release the petitioner on bail and accordingly, his prayer for bail in connection with Kotwali (Barari) P.S. Case No. 473 of 2015 corresponding to Sessions Trial No. 687 of 2015 pending in the court of Learned Additional District & Sessions Judge-Vth, Bhagalpur stands rejected.

(Hemant Kumar Srivastava, J)

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