

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.12473 of 2016**

Arising Out of PS.Case No. -51 Year- 2015 Thana -LAKHNAUR District- MADHUBANI

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1. Manoj Chaudhary Son of Late Vijay Chaudhary Resident of village -  
Kishan Patti, P.S. Lakhnaur, District - Madhubani

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Meena Singh(App)

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

4      16-05-2016                      Heard the learned counsel for the petitioner as well as  
  
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences  
punishable under sections 342, 323, 366, 376 and 34 of the I.P.C

Allegedly, the petitioner and co-accused Jairam  
Choudhary forcibly committed rape with the complainant-  
informant one after another on 06.03.2015 in the night but as the  
father of the informant was at Bombay and as such after his return  
the complaint case was filed on 20.03.2015.

Submission is of false implication and that during  
investigation the witnesses, vide paragraphs- 57, 58 and 59 of the  
case diary, have stated that there was love affair between the  
informant and co-accused Jairam Choudhary, the medical

evidence does not support the allegation of rape, her age has been found 17 years, the case has been lodged after inordinate delay and as such the petitioner, who is student of B.A. having no criminal antecedent, deserves sympathetic consideration, to which the learned A.P.P. opposes by submitting that the victim has been examined under section 164 of the Cr.P.C. wherein she has supported the allegation of rape by the petitioner and co-accused Jairam Choudhary and the delay in lodging the case has been fully explained.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, serious in nature, I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Lakhanaur P.S. Case No. 51 of 2015 pending in the court of A.C.J.M. Jhanjharpur.

However, let the trial be expedited and concluded as per the amended proviso of section 309 of the Cr.P.C.

**(Jitendra Mohan Sharma, J)**

Abhay/-

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