

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14042 of 2016

Arising Out of PS.Case No. -88 Year- 2010 Thana -KANTI District- MUZAFFARPUR

1. Rajesh Prasad son of Binod Prasad Srivastava, Resident of Koto, near Patratu Thermal Power, P.S. Patratu, District- Ramgarh, Jharkhand. At present resident of village- Dhemha, P.s.- Kanti, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suman Kumar

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 12-05-2016 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Kanti P.S. Case No. 88 of 2010 registered for the offence punishable under Section 376/34 of the Indian Penal Code.

Allegedly, Chandrakanti Kumari, daughter of the informant was caught by two boys and was brought in the banana orchard and when the informant went there and saw in torch light that petitioner and co-accused Dasrath Giri were fleeing away and her daughter was found having bleeding and her clothes were also torn.

Submission is of false implication and that the occurrence is said to be of 17.04.2010 whereas, First Information

Report has been lodged on 22.04.2010, there is no eye witness of the occurrence, the victim has been examined by the doctor but no injury has been found on her person and further no spermatozoa was found but without proper investigation, chargesheet has been submitted against the petitioner, showing co-accused innocent.

The learned A.P.P. opposes the prayer of bail by submitting that delay was caused in lodging the First Information Report as the husband of the informant was at Delhi and after his return, the case was lodged. During investigation, the witnesses have supported the allegation.

In the facts and circumstances 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.

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

(Jitendra Mohan Sharma, J)

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