

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22501 of 2016

Arising Out of PS.Case No. -746 Year- 2014 Thana -SHASTRINAGAR District- PATNA

1. Jay Mangal Gope @ Biral son of Late Musi Gope, resident of Mohalla-
Nand Gaon (Aadmi Gaon), Police Station- Shastri Nagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Binod Kumar 2 (App)

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

3 14-07-2016 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 offence
punishable under section 376 of the I.P.C

Allegedly, the petitioner committed rape with Alka
Kumari, aged 20 years, who is mentally weak.

Submission is of false implication and that the
petitioner is the owner of the house and the informant is residing
in a portion but he is not paying rent and for that dispute was
going on, the petitioner was pressuring to vacate the premises
resulting the informant lodged this false case. The victim girl has
been examined by the doctor but no sign of rape has been found
and further no spermatozoa was found and as such the petitioner

deserves sympathetic consideration, some of the witnesses have also stated that due to dispute of rent the petitioner has been implicated.

The learned A.P.P. seriously opposes prayer for bail by submitting that the victim girl in her statement recorded under section 164 of the Cr.P.C. has supported the allegation of rape against the petitioner and her statement has been recorded in questions and answers form by the learned Magistrate.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Special (POCSO) Case No. 30 of 2016 arising out of Shastri Nagar P.S. Case No. 746 of 2014 pending in the court of 1st Additional Sessions Judge, Patna.

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

(Jitendra Mohan Sharma, J)

Abhay/-

U		T	
---	--	---	--