

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53706 of 2015

Arising Out of PS.Case No. -294 Year- 2015 Thana -BAHADURPUR District- DARBHANGA

1. Sonu Kumar s/o Late Yogendra Das Resident of village - Purkhopatti, Ps
Bahadurpur, District Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Jha

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

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

7 17-02-2016

Heard the learned counsel for the petitioner, the
learned A.P.P for the State as also the learned counsel for the
Informant.

The petitioner seeks bail in a case for the offences
punishable under sections 376, 504 and 34 of the I.P.C

Allegedly, the petitioner after giving assurance to
marry with the informant was developing physical relationship
with her for the last six months and further on 02.09.2015 at 9
P.M. again the petitioner committed rape with the informant and
refused to marry with her.

Submission is of false implication and that the
informant only with a view to take wrong advantage has filed this
case, according to her itself she is major, she in her statement
recorded under section 164 Cr.P.C has stated the last date of crime
as 01.09.2015 which contradicts from the statement of her written

statement, no case under section 376 I.P.C. is made out, no spermatozoa was found in the pathological examination and further no marks of recent injury was found on the person of the informant and as such the petitioner who is suffering in custody since 08.09.2015 deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the consent obtained by false promise is vitiated and it comes under the purview of rape and further in the statement recorded under section 164 Cr.P.C. the victim has stated that she was forcibly raped by the petitioner on the last occasion and minor contradiction cannot be seen at this stage.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, serious in nature, this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Bahadurpur P.S. Case No. 294 of 2015 pending in the court of C.J.M. Darbhanga.

However, the trial court is directed to expedite the trial and to conclude the same as per the amended proviso of section 309 of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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