

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.420 of 2016

Arising Out of PS.Case No. -76 Year- 2015 Thana -BHAGWANPUR District- BEGUSARAI

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1. Ramashray Ray son of Sri Sita Ram Rai resident of Bisanpur, P.S. -
Bhagwanpur, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav

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

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
TRIVEDI
ORAL ORDER

3 16-02-2016

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor.

Petitioner is the assailant of victim Mani Kumari wherein she was raped in the night of 24.4.2015 while she was sleeping inside her house.

It has also been disclosed that an earlier occasion also petitioner had raped her and for that he remained under custody for more than two and half years.

It has been submitted on behalf of the petitioner that the informant happens to be inhabit of filing false case. At an earlier occasion also she had filed rape case where in petitioner remained in custody for three years and lastly was acquitted however, the learned counsel for the petitioner fairly submits that the acquittal was recorded on the basis of compromise.

It has been submitted that the occurrence is of the

dated 24.4.2015, case has been lodged on 27.4.2015 without having any explanation and that being so, the prosecution story should be viewed suspicious one. It has also been submitted that victim happens to be aged about 40 years and in the normal circumstance person like petitioner is not expected to commit rape. It has further been submitted that the medical report is not going to support the assertion, allegation. It is submitted that the petitioner happens to be under custody since 27.4.2015. Furthermore, it has been submitted that compromise has already been effected.

Learned A.P.P. opposes the prayer.

How a widow is force to lead a miserable life, the present episode depict, the same. Time without number she has been raped by the petitioner and ultimately, the surrounding circumstances compels her to bow down which ultimately gave a passage to the petitioner of clean acquittal. For the present, compromise petition has again surfaced as Annexure-3 though, the offence happens to be non compoundable. With regard to medical evidence certainly that is not going to support the contention of the petitioner because of the fact that occurrence happens to be on 24.4.2015 while she was examined on 28.4.2015.

Prayer for bail rejected.

(Aditya Kumar Trivedi, J)

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