

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32519 of 2016

Arising Out of PS.Case No. -88 Year- 2015 Thana -PIPRAHI District- SHEOHAR

Ekhalak, S/o Amiriuddin, R/o Village- Baktpur, P.S. Pirrahi, Dist- Sheohar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ravindra Kumar, Advocate.

For the Opposite Party : Mr. Anish Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 20-10-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 06.06.2016
in connection with Piprahi P.S. Case No. 88 of 2015 for the
offences instituted under Sections 366, 376, 379, 323, 347 and
504/34 of the IPC.

The prosecution story, in brief, is that this petitioner took
away the informant from Sheohar to Patna on the pretext that her
husband is ill and he has been admitted in Hospital at Patna and
thereafter committed rape upon her. The petitioner also took the
ornaments of the informant.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 06.06.2016 and the charge sheet has

been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. The alleged date of occurrence is from 18.06.2015 to 20.06.2015. The complaint was filed on 24.06.2015. The delay has not been explained by the prosecution. There is no medical examination report of the victim to support the allegations made in the F.I.R./complaint nor there is 164 Cr. P.C. statement of the victim.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R./complaint. The specific allegation has been made against him for commission of rape upon the victim. The witness in paragraph no. 4 of the case diary has also supported the allegations made in the FIR./complaint.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner at this stage. The same is rejected in Piprahi P.S. Case No. 88 of 2015, pending in the court of the learned J.M. Ist Class, Sheohar.

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(Sudhir Singh, J)