

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13760 of 2016

Arising Out of PS.Case No. -51 Year- 2015 Thana -LAKHNAUR District- MADHUBANI

1. Jai Ram Choudhary Son of Ram Kripal Choudhary Resident of Village-
Bishunpatti, PS Lakhnour, District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat

For the Opposite Party/s : Mr. Renu Kumari(App)

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

3 21-06-2016

Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Lakhnour
P.S. Case No. 51 of 2015, G.R. No. 458 of 2015 registered for the
offences punishable under Sections 342, 323, 363, 366, 376/34 of
the Indian Penal Code.

On the basis of complaint petition this case has been
registered with allegation that earlier the petitioner and co-accused
tried to put colour on her to which she refused and thereafter, in
the night when she went to bring water on the tube-well, the
petitioner and co-accused forcibly brought her at lonely place after
pressing her mouth and both committed rape one after another and
further they assaulted her.

Submission is of false implication and that complaint
petition has been filed after much delay, there is contradiction in

the statement of complainant/informant, Medical Board has not found any evidence of rape and the age of the victim girl has been assessed as 17 years, during investigation it has come that the petitioner was having love affair with the informant which is evident from paras 57-62 of the case diary and, as such, the petitioner deserves sympathetic consideration. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned APP opposes the prayer of bail by submitting that the informant has supported the allegation in her statement recorded under Section 164 Cr.P.C. and further other witnesses have also 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 in connection with Lakhnour P.S. Case No. 51 of 2015, G.R. No. 458/2015 pending in the Court of learned 1st Additional Sessions Judge, Madhubani.

(Jitendra Mohan Sharma, J)

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