

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8930 of 2016

Arising Out of PS.Case No. -43 Year- 2015 Thana -MAHILA P.S. District- SAHARSA

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1. Mithilesh Yadav S/o Aghori Yadav, resident of Village- Ainee Rudhha Tola, P.S. Bakhtiyarpur, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh

For the Opposite Party/s : Mr. Ataur Rahman(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 16-05-2016 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 offences punishable under sections 376 of the I.P.C

Allegedly, Neelam Devi, a dumb daughter of the informant, was forcibly raped by the petitioner and Sunita Devi saw the petitioner committing the crime and after alarm being raised by Sunita Devi the petitioner fled away.

Submission is of false implication and that during medical examination the victim girl was found having pregnancy of 1- ½ months, only with a view to put pressure to marry with the victim girl the petitioner has been implicated and further the she-buffalo of the petitioner was poisoned to death wherein Panchayati

was held and father of the victim was directed to pay compensation of Rs. 25,000/- and then he has lodged this false case.

The learned A.P.P. opposes prayer for bail by submitting that Sunita Devi being an eye witness has supported the allegation, vide paragraph-6 of the case diary, and further the victim girl has also supported the allegation giving signal in this regard which is mentioned in paragraph-4 of the case diary.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, serious in nature, at present I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Mahila Thana Saharsa P.S. Case No. 43 of 2015 pending in the court of C.J.M. Saharsa.

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

(Jitendra Mohan Sharma, J)

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