

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20575 of 2016

Arising Out of PS.Case No. -42 Year- 2012 Thana -BAJPATTI District- SITAMARHI

=====

1. Bharat Manjhi son of Lte Mahendra Manjhi, resident of Village-Sarpanch Tole, P.S. Bajpatti, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 23-05-2016 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 offence punishable under section 376/34 of the I.P.C

Allegedly, the petitioner and co-accused Satrugan Manjhi brought the informant, aged 11 years, in a wheat field and the petitioner committed rape with her.

Submission is of false implication and that the petitioner and co-accused are own brothers, the prosecution story appears not probable and reliable, the medical evidence does not support the prosecution version, no injury was found on the private part or on any where, hymen was found intact and further there is material contradiction in the statement of the victim

recorded under section 164 of the Cr.P.C.

The learned A.P.P. opposes prayer for bail by submitting that the victim has supported the allegation of rape against the petitioner in her statement recorded under section 164 of the Cr.P.C. and the doctor was not of the definite opinion as to whether the rape was committed or not, the prayer for bail of co-accused Satrugan Manjhi has already been rejected vide Cr. Misc. No. 25114 of 2012.

In the facts and circumstances as 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 S.Tr. No. 373 of 2014 arising out of Bajpatti P.S. Case No. 42 of 2012 pending in the court of A.D.J. 1st, Sitamarhi.

However, considering detention of the petitioner since 26.07.2013, let the trial be expedited and concluded as early as possible preferably within a period of six months from the date of receipt/production of a copy of this order after taking the same on the priority basis.

(Jitendra Mohan Sharma, J)

Abhay/-

U		T	
---	--	---	--