

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50159 of 2015

Arising Out of PS.Case No. -16 Year- 2015 Thana -KORHA District- KATIHAR

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Prakash Ravidas @ Prakash Ravidas S/o Late Parmanand Ravidas, resident
of village - Belal Chowk, P.S. - Kodha, District - Katihar.

.... Petitioner

Versus

1. The State of Bihar.
2. Juli Devi W/o Sunil Ravidas R/o village - Belal Chowk, P.S. - Kodha,
District - Katihar.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Bal Krishna Mishra, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in
connection with Korha P.S. Case No.16 of 2015 for the offences
instituted under Sections 341, 342, 376(2) (g), 323, 307, 504, 506
and 120(B) of the Indian Penal Code.

The prosecution story, in brief, is that two months
before the date of institution of F.I.R. the informant was in the
way to Kheria Market and she met with the petitioner and others
who called her to Panchayat Bhawan Kheria to take her Indira
Awas Pass Book when she entered the Panchayat Bhawan the
petitioner with others committed rape to her one by one and

assaulted her with belt.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. From perusal of the F.I.R., it appears that the alleged occurrence is said to have taken place on 3.1.2015. F.I.R. has been instituted on 29.1.2015. No explanation has been made in respect to delay in institution of the case. There is a material contradiction between the statement of the informant in the F.I.R. and 164 Cr.P.C. statement. From perusal of Annexure-3, it is evident prior to the institution of the present case, a Sanha was instituted against the informant and her husband. From perusal of the case diary, it appears that the medical examination report of the victim do not indicate any sign of rape nor there is any injury report in respect to the husband of the victim.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of arrest or surrender in the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Sri Dilip Kumar Roy, Judicial Magistrate II, Katihar, in

connection with Korha P.S. Case No.16 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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