

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54839 of 2015

Arising Out of PS.Case No. -57 Year- 2015 Thana -MAHILA P.S. District- KISANGANJ

Tafejul Tajeful @ Mitu, S/o- Late Badrrudin, Resident of Village- Betwari,
P.S.- Garbandanga, District- Kishanganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Advocate
Mr. Pankaj Kumar Sinha, Advocate
For the State : Mr. Sanjay Kumar Sharma(APP)
For the Informant : Mr. Rashid Izhar, Advocate
Mr. Sharad Shekhar, Advocate

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

7 05-05-2016 Heard learned counsel for the petitioner, the State and the informant.

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 341, 342, 376, 506 and 509 of the Indian Penal Code.

Allegation against the petitioner is to have committed rape upon the informant.

It is contended on behalf of the petitioner that due to dispute in the family, the niece (informant) has made such type of allegation against her own uncle. It is further contended that there is delay of about 34 days in lodging the First Information Report and there is no explanation in the FIR regarding such delay. There



is no medical evidence also indicating any commission of rape upon the informant. In the FIR, the informant has stated that the petitioner came at the house of the informant and she took him inside the room and asked him to sit and explain why he had come at late night, thereafter, the occurrence took place though the informant was having pregnancy of five months. On alarm being raised, the father-in-law also came but he pushed him and fled away. However, in the statement under Section 164 Cr.P.C., she has categorically stated that she was alone in the house and her husband was at Bangalore.

Learned counsel appearing for the informant has submitted that delay in lodging the FIR was due to reason that the husband of the informant was staying in Bangalore and when he came back then the FIR was lodged. Per contra, it is stated on behalf of the petitioner that this statement is neither available in the FIR nor in the statement under Section 164 Cr.P.C. and obviously, since medical examination is after lodging the FIR, no medical evidence is also there in support of such occurrence.

Having regard to the facts and circumstances of the case, let the petitioner, namely, Tafejul Tajeful @ Mitu be released on bail in the event of his arrest/surrender before the court below within a period of six weeks from today in

connection with Kishanganj Mahila P.S. Case No.57 of 2015, on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Kishanganj subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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