

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8418 of 2016

Arising Out of PS.Case No. -148 Year- 2015 Thana -JANDAHA District- VAISHALI(HAJIPUR)

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SURESH SAHNI S/O LATE MAHAVEER SAHNI R/O VILL
SOHARTHI P.S JANDAHA DISTRICT VAISHALI.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Rina Sinha, Adv.

For the Opposite Party/s : Mr. Anuradha Singh(App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 11-04-2016

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

For an occurrence alleged to have been committed
in the night of 24.07.2015 written report was submitted on
03.08.2015 by the victim, Anita Devi disclosing therein that she
has been raped by the petitioner.

Learned counsel for the petitioner submits that
apart from inordinate delay in filing the prosecution, from the
written report it is evident that accused after commission of the
crime managed to escape while from the statement of the
witnesses recorded under para-21, 22,23, it is evident that
when villagers came, accused was lying in front of house of
informant whereupon he was lifted and taken to his house.
Furthermore, it has also been submitted that during medical
examination, the commission of rape has not been
substantiated.

The learned Additional Public Prosecutor opposed
the prayer.

Though there happens to be some sort of inconsistency on account of inordinate delay in launching the prosecution, however petitioner is at liberty to move his prayer of bail after six months of detention in case the trial is not concluded in the background of that charge sheet had already been submitted.

For the present, prayer for bail is rejected.

(Aditya Kumar Trivedi, J.)

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