

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14840 of 2016

Arising Out of PS.Case No. -13 Year- 2015 Thana -MAHILA P.S. District- BHAGALPUR

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Bishnu Harijan @ Bishnu Das Son of Late Bahaddo Harijan resident of
village - Chhoti Naki, P.S. Sanokhar, Distt. - Bhagalpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha

For the Opposite Party/s : Mr. Rita Verma(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 19-05-2016 Heard the learned counsel for the petitioner as well

as the learned A.P.P for the State.

The petitioner seeks bail in connection with
Bhagalpur Mahila P.S. Case No. 13 of 2015 registered for the
offence punishable under Section 376 of the Indian Penal Code.

Allegedly, the petitioner after entering into the
house of the informant committed rape with her and when the
mother-in-law tried to catch the petitioner, he fled away after
leaving his lungi.

Submission is of false implication and that during
investigation independent witnesses have not supported the
prosecution version, it has come that the informant performed
marriage with the petitioner after leaving her husband and three
children six months ago and lived with the petitioner in his house
as wife and husband for three months but when the petitioner went

outside to earn livelihood, again the informant came back to her first husband but when the petitioner was trying to marry with another lady, the informant falsely implicated him, no recent sexual violence was found on the person of the informant and the petitioner is suffering in custody since 20.01.2016.

The learned APP seriously opposes the prayer of bail by submitting that the informant in her statement recorded under Section 164 of the Code of Criminal Procedure has supported the allegation and the doctor who has examined the informant has found abrasion on forearms and right thigh and further found her *blouse* and *saree* torn and as such the petitioner does not deserve bail.

In the facts and circumstances 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 Bhagalpur Mahila P.S. Case No. 13 of 2015 pending in the Court of learned S.D.J.M.I/C Bhagalpur.

However, the petitioner may renew his prayer for bail after examination of the victim girl during trial.

Let the trial be expedited.

(Jitendra Mohan Sharma, J)

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