

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9913 of 2017

Arising Out of PS.Case No. -42 Year- 2007 Thana -BHAPATIYAH I District- SUPAUL

=====

1. Kishundeo Mehta, son of Late Faudi Mehta, resident of Village- Simri,
P.S.- Bhaptiyahi, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Jha

For the Opposite Party/s : Mr. Sri Khurshid Anwar

=====

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 27-03-2017 Heard both sides.

The petitioner seeks bail in Bhaptiyahi P.S. case No.
42 of 2007 under Section 376 of the Indian Penal Code.

The informant made allegation that while she was
crossing through a field, the petitioner committed rape with her.
She further alleged that petitioner had earlier established physical
relation with her on the pretext of marrying with her.

The learned counsel for the petitioner submits that
after investigation of the case, the police submitted final form
finding the case false against the petitioner on 31.03.2009 but the
learned court below took cognizance against the petitioner. The
victim did not make her statement under Section 164 of the Cr. P.
C. The medical evidence also does not support the prosecution



story of rape with the victim.

Having considered the facts aforesaid and the fact that police after investigation submitted final form finding the case false against the petitioner but cognizance was taken, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Supaul in S. T. No. 18 of 2017, arising out of Bhaptiyahi P.S. Case No. 42 of 2007.

(Prabhat Kumar Jha, J)

BKS/-

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

