

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51403 of 2017

Arising Out of PS.Case No. -34 Year- 2017 Thana -KOCHAS District- SASARAM (ROHTAS)

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1. Shiv Kumar Jaiswal Son of Raja Jaiswal @ Raja Sah,
2. Tanman Chaubey S/o Sushil Chaubey, Both R/o Village- Tetariya, P.O.-
Laheri, P.S.- Kochas, District- Rohtas (Sasaram).

.... Petitioners.

Versus

1. The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Saroj Kumar

For the Opposite Party/s : Mr. Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

03 21-12-2017 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in Kochas P.S. Case No.34
of 2017 registered under Section 376 (D) of the Indian Penal
Code.

Petitioners are said to have committed rape against
the informant while dragging her in wheat field and by pressing
her mouth when she stepped out from her house for defecation.

It is submitted by learned counsel for the petitioners
that the petitioners have been falsely implicated in this case as
they happens to be responsible villagers of Open Defecation Free,
Gram Panchayat, Laheri and they protested the informant for
defecating in open space by her. The petitioners have been
languishing in custody since 16.03.2017.



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On the other hand, learned A.P.P. for the State has submitted that there is direct allegation of committing rape against the petitioners. The victim in her statement under Section 164 Cr.P.C. has stated about committing rape by the petitioners.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioners on bail. Their prayer for bail is rejected. However, the learned lower court is directed to conclude the trial as expeditiously as possible preferably within a period of nine months from the date of commitment of the case.

(Prakash Chandra Jaiswal, J)

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