

IN THE HIGH COURT OF JUDICATURE AT PATNA**Criminal Miscellaneous No.2200 of 2017**

Arising Out of PS.Case No. -225 Year- 2016 Thana -KUSHESHWARSTHAN District-
DARBHANGA

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Dilip Sharma, Son of Late Ayodhya Sharma @ Ayodhi Sharma, Resident of
village - Kachhua, P.S. Kusheshwar Asthan, District - Darbhanga (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Vinay Kumar Mishra

For the Opposite Party/s : Mr. Anuj Kumar Srivastava

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

4 28-02-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with
Kusheshwar Asthan P.S. Case No. 225 of 2016, registered for the
offence punishable under Section 376 of the Indian Penal Code.

Allegedly, the petitioner committed rape with the
informant after brining her in his house.

Submission is of false implication and that there is
contradiction in the statement recorded under section 164 Cr.P.C.
It is not possible that rape will be committed after keeping leg on
the neck. The petitioner has been implicated due to some ulterior
motive. In the medical examination no sign of rape has been
found and further the informant has not received any injury and as



such the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by learned counsel for the informant apposes the prayer of bail by submitting that victim in her statement under section 164 Cr.P.C. has supported the allegation of rape.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner, serious in nature, I am not inclined to enlarge the petitioner on bail and accordingly such prayer is rejected.

(Jitendra Mohan Sharma, J)

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