

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48584 of 2016

Arising Out of PS.Case No. -450 Year- 2015 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

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1. Raj Kumar S/O Surendra Sah @ Harendra Sah, Resident of Village- New
Bus Stand, Durganagar, P.S.- Bettiah Town, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL ORDER

4 16-02-2017 Heard learned counsel for the petitioner as well as

learned APP for the State.

Giving brief history of the case and further referring the
deposition of the victim which she made during course of trial in
the background of which, it has also been submitted that other co-
accused namely, Husmuddin and Rahul Kumar had already been
granted bail, the learned counsel for the petitioner submits that any
kind of order be passed by this Bench.

The victim happens to be informant. She has filed a
written report disclosing thereunder that during course of stay at
Sasural of her sister, she developed an intimacy with the petitioner
and on account thereof, availed his company. In the aforesaid
background, it has been alleged that on the alleged date and time
of occurrence, petitioner along with Rahul and Husmuddin took
her to a Raja Line Hotel where she stayed along with them and
during course thereof, she was raped.



The aforesaid occurrence has been alleged on 31.07.2015. Annexure-2 is the medical examination report of the victim which suggests her age in between 17 to 19 years and further rules out recent sexual intercourse. Annexure-3 is the deposition of the witness. Annexure-4 series are the two orders passed under Cr.Misc.No. 33497/2016 whereunder Husmuddin has been granted bail while another order passed under Cr.Misc. No. 48658/2015 along with Cr. Misc. No. 53265/2015 whereunder prayer for bail of Hasmuddin was rejected while prayer of Rahul was allowed and the most crucial is Annexure-5 series which happens to be a compromise as well as permission petition. The aforesaid compromise petition was filed much before examination of the victim and so, her evidence is guided by the aforesaid compromise petition.

In examination-in-chief, the victim had put an allegation against the petitioner and to rebut the same, the learned counsel for the petitioner referred cross-examination of the victim. The Bench, at the present moment, is considering prayer for bail and not the appeal. Meticulous examination of the evidence of all the witnesses is not at all permissible whereupon, prayer for bail is rejected.

(Aditya Kumar Trivedi, J)

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