

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49109 of 2017

Arising Out of PS.Case No. -13 Year- 2012 Thana -MAHILA P.S. District- MADHEPURA

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1. Raman Yadav @ Raman Kumar @ Kumar Raman S/o Radhe Yadav, R/o
Village- Bhatrandha, P.S.- Ghailadh, District- Madhepura

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Uday Chand Prasad, Adv.

For the Opposite Party : Mr. Dr. Rabindra Kumar, APP 206

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 14-11-2017

Heard both sides.

The petitioner apprehends his arrest in Mahila P.S. Case No. 13 of 2012 registered under Sections 448, 376 and 34 the Indian Penal Code.

The victim alleged that while she was sleeping in her house, along with her minor child, the petitioner and others forcibly entered into her house and committed rape with her.

Mr. Uday Chand Prasad, the learned counsel appearing for the petitioner submits that the informant made allegation that the petitioner and others committed rape with her, but, she gave a different story in her statement under Section 164 of the Criminal Procedure Code. it is, further, submitted that the victim filed petition in the Court below, vide Annexure 3, that she lodged a case against the petitioner and others for committing rape, but, the petitioner is son-in-law of her brother-in-law, Jageshwar Yadav, and he was not present at the time of occurrence. The police, after investigation, submitted the charge sheet under Sections 447, 323, 504, 506 and 34 of the Indian Penal Code against other accused persons and found the case false



against the petitioner. The learned counsel for the petitioner, further, submits that the Deputy Superintendent of Police, in his supervision note, as contained in paragraph 43 of the case diary, disclosed that the victim is woman of easy virtue. She had illicit relation with one Kailu Yadav, the friend of her late husband and that's why this case has been filed. It is, further, submitted that the neighbours of the victim disclosed that no such occurrence as alleged by the victim, happened, but, the perusal of the case diary, it appears that the victim reiterated from her statement and the witnesses in different paragraphs of the case diary supported the case of the prosecution.

The learned Judicial Magistrate took cognizance under Section 376 and other sections of the Indian Penal Code against the petitioner and others also on 07.07.2012 and after more than five years, the petitioner filed this petition for anticipatory bail.

Considering the facts, aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail.

Accordingly, the prayer for anticipatory bail is **rejected**.

(Prabhat Kumar Jha, J)

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