

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12842 of 2017

Arising Out of PS.Case No. -26 Year- 2016 Thana -MAHILA P.S. District- MADHUBANI

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Umesh Yadav, son of Laxmi Yadav, resident of Village - Virauli, P.S.
Benipatti, District Madhubani.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. Panchanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 27-04-2017

Heard learned counsel for the petitioner.

This is an application for bail in connection with Mahila P.S.Case No. 26 of 2016 registered for the offences punishable under Sections 364, 328, 506, 376/34 of the Indian Penal Code and 4 of POCSO Act.

Allegation against the petitioner of commission of rape on the prosecutrix.

It has been submitted on behalf of the petitioner that there is inordinate delay in lodging FIR as according to FIR occurrence took place in between 29.1.2016 to 2/3.2.2016 and FIR was lodged on 18.2.2016. It has also been submitted that there is dispute between the parties and prior to the present case a case has been lodged against the family members of informant and in order



to save their skin the present case has been filed and in the medical examination report there is no sign of rape was found and she was carrying pregnancy of one month and she was aged 23 years.

Heard learned APP also, who has opposed the prayer for bail stating that there is direct allegation against the petitioner.

Having heard both sides and considering the fact that there is direct allegation of commission of rape against the petitioner and one more co-accused on the prosecutrix, as such, I am not inclined to grant bail to the petitioner.

As the petitioner is in custody for the last eight months, learned trial court is directed to expedite the trial, if possible, on day-to-day basis and at the same time the Superintendent of Police, Madhubani is directed to ensure that the witnesses are present in court on the date fixed, so that the trial may be concluded within a period of nine months.

Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

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