**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**Criminal Miscellaneous No.53363 of 2017**

Arising Out of PS.Case No. -428 Year- 2016 Thana -BAKHTIARPUR District- SAHARSA

==========

BABUA KUMAR MAHTO @BABUA MAHTO

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

==========

**Appearance :**
For the Petitioner/s : Mr. Chandra Mohan Jha
For the Opposite Party/s : Mr. Sri Prem Kumar Jha

==========

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**
ORAL ORDER

3 22-11-2017 Heard the parties.

This application is for grant of regular bail in connection with Bakhtiyarpur (Kaneria O.P.) P.S.Case no.428 of 2016 for the offences punishable under Sections 341, 323 and 376 of the Indian Penal Code.

Allegation against the petitioner is of committing rape upon the informant along with one another accused person.

Submission of the learned counsel for the petitioner is that he is own *gotia* of the informant and he has been falsely implicated in this case which will appear from the fact that FIR has been lodged after 13 days and the medical report also does not support the prosecution case of rape.

Heard learned A.P.P. also, who has opposed the prayer for bail on the ground that the explanation has been given

WEB COPY

in the FIR itself for delay in lodging the case and there is direct allegation against the petitioner.

Having heard both sides and in view of facts and circumstances, as stated above, I am not inclined to grant bail to the petitioner, however, the learned trial court is directed to expedite the trial.

With the aforesaid observation, this application is dismissed.

**(Vinod Kumar Sinha, J)**

chn/-

| | | | |
|---|---|---|---|
| U | | T | |

WEB COPY