

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35652 of 2017

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1. Niraj Kumar Singh @ Kannu, son of Laddu Prasad Singh, Resident of Village- Golma, P.S.- Sour Bazar, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Smt. Anusuiya Jaiswal

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 08-08-2017 The petitioner is in custody since 25.05.2016 in connection with Saharsa Mahila P.S. Case No. 81 of 2016, registered for offences punishable under Sections 341, 323, 376, 506 and 34 of the Indian Penal Code.

Allegation against the petitioner is of committing rape upon the victim.

It has been submitted on behalf of the petitioner that the petitioner, who is of clean antecedent, is innocent and has not committed any offence. As a matter of fact, the occurrence is of 01.01.2016 whereas the instant F.I.R. has been lodged on 06.10.20156 after lapse of six days without explaining plausible delay, which itself creates doubt on the prosecution version. Moreover, in the examination of the prosecutrix also, it has been stated that the she is a married lady and the petitioner happens to be the co-villager has not committed any overt act. Further, the doctor, who has examined the victim, has also not



found any sign of sexual assault on the person the victim, therefore, the medical report also does not support the prosecution version. The petitioner, who appears to be a victim of circumstances only, has been rotting in custody for more than two months.

Heard learned A.P.P. has opposed the prayer for bail.

Having heard both the sides, considering the facts and circumstances of the case and the nature of allegation leveled against the petitioner, I am not inclined to grant bail to the petitioner, accordingly, the prayer for bail of this petitioner is rejected.

However, the learned trial court is directed to expedite the trial and try to conclude the same preferably within a period one year.

With the aforesaid direction, this criminal miscellaneous application is dismissed.

(Vinod Kumar Sinha, J)

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