

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2909 of 2017

Arising Out of PS.Case No. -54 Year- 2016 Thana -CHANDAN District- BANKA

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1. LAL MOHAN KUMAR YADAV @LAL MOHAN YADAV
@CHHOTU YADAV Son of Indrajeet Yadav Resident of Village-Jhajha
Yadoraidih, P.S. Chandan, District-Banka

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Tapeswar Sharma

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-02-2017 The petitioner is in custody since 22.07.2016 in connection with S.Tr. No. 271 of 2016 arising out of Chandan P.S. Case No. 54 of 2016, registered for offences punishable under Sections 376 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that the whole prosecution story appears to be false as there is existing land dispute between the parties and the petitioner and the informant are gotias and the Doctor in his opinion has found that there was no sign of rape and also the girl's age was determined as 18 years. It has further been submitted that in the written statement there is signature of husband, which itself suggests that the whole story has been made at the instance of the husband of the informant. The petitioner has been in custody since



22.07.2016.

Heard learned A.P.P. also.

Having heard both sides, in view of the fact that there is direct allegation against the petitioner of committing rape on informant twice and the police in its investigation has also found the case to be true, I am not inclined to grant the petitioner, the privilege of regular bail, at this stage. Accordingly, the application for regular bail of the petitioner is, hereby, rejected.

However, learned Trial Court is directed to expedite the trial and try to conclude it within a period of six months from today and if the trial is not concluded within the said period, the petitioner will be at liberty to renew his prayer for bail before the Court below itself, which will be considered by the court below on the merit of the case, without being prejudiced by the order of this Court.

(Vinod Kumar Sinha, J)

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