

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52537 of 2017

Arising Out of PS.Case No. -29 Year- 2017 Thana -MAHILA PS District- GAYA

=====

Nanhku @ Rabindra Yadav @ Nanku Yadav son of Late Sitan Yadav
resident of village - Manona, P.S. - Fatehpur, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Sri Madhuranand Jha

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 04-12-2017 A Vakalatnama has been filed on behalf of the

informant. Let the same be kept on record.

Heard the learned counsel for the petitioner, the

informant and the State.

The petitioner seeks bail in connection with Gaya
(Mahila) P.S. Case No. 29 of 2017 dated 05.07.2017 instituted for
the offence under Section 376 of the Indian Penal Code.

The prosecutrix has alleged that the petitioner
subjected her to sexual intercourse. While the petitioner was at the
act, her sister-in-law also arrived and tried to catch hold of the
petitioner, but the petitioner managed to run away from the place
of occurrence.

Learned counsel for the petitioner has drawn the



attention of this Court to the statement of the victim recorded under Section 164 Cr.P.C., where though, she has alleged that she was ravished, but she neither knew nor identified the perpetrator of the crime.

Learned counsel for the informant, however, has submitted that the prosecutrix is a mentally challenged person and therefore, she has not been able to identify or specifically name the petitioner in her statement recorded under Section 164 Cr.P.C. This cannot be accepted as true for the reason that in the FIR, the name of the petitioner has been taken by the informant herself and it has also been alleged that while the petitioner was inside the room of the prosecutrix, her sister-in-law had also arrived and she tried to catch hold of the petitioner. Surprisingly, the sister-in-law viz. Shakunti Devi whose statement has been recorded in para-6 of the case diary, has only stated that when she went to the room of the prosecutrix, she found the petitioner standing outside the room and when he was asked as to whether he has committed any theft, he replied in the negative.

The petitioner is stated to be the neighbour of the prosecutrix and her mother and is in custody since 06.07.2017.

In the facts and circumstances, the petitioner above named is directed to be released on bail on his furnishing bail



bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Gaya in connection with Gaya (Mahila) P.S. Case No. 29 of 2017.

(Ashutosh Kumar, J)

KKSINHA/-

U		T	
---	--	---	--

