

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28833 of 2018

Arising Out of PS.Case No. -141 Year- 2017 Thana -CHAKAI District- JAMUI

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Santosh Hembram, Son of Shivilal Hembram, resident of Village-
Chitandih, Police Station- Chakai, District- Jamui.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Smt. Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 28-06-2018 Heard.

The petitioner is in custody in connection with Chakai
P.S.Case No.141 of 2017 pending in the court of ACJM-III, Jamui
registered for an offence under Section 376 of the IPC.

The informant in her written report submitted before
SHO of Chakai P.S. has alleged that this petitioner is committing
rape since last three years giving false assurance to marry her.

It has been submitted that the FIR has been lodged by
the informant at the instance of her parents on account of land
dispute. The petitioner allegedly committed rape for about three
years but no FIR was lodged. The case was filed after three years
of the alleged occurrence. The informant has not been examined by
the Medical Officer and the witnesses examined in this case are not



the independent witnesses and so the petitioner deserves bail.

The learned APP opposed the submissions.

From perusal of the FIR and the case diary, it appears that the informant of this case who is victim is aged about 20 years. She has alleged that the petitioner entered into her house and committed rape. The petitioner gave assurance to perform marry and thereafter continued to commit rape on her. In course of investigation, the witnesses have supported the allegation of rape by this petitioner. The victim was produced before the Medical Officer who has reported that the victim had undergone sexual intercourse.

Considering the material in the case diary, I am not inclined to grant bail to the petitioner. Prayer for bail of the petitioner is rejected.

(Sanjay Kumar, J)

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