

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46214 of 2018

Arising Out of PS. Case No.-21 Year-2018 Thana- MAHILA PS District- Jamui

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Sandip Kumar S/o Sanjay Rawat, R/o Vill.- Lakhanpur, P.S.- Jamui, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Murari Rawt

For the Opposite Party/s : Mr. Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 20-09-2018 Heard learned counsel for the petitioner, learned APP for the State as well as learned counsel for the informant.

The petitioner seeks bail in connection with Jamui Mahila P.S. Case No. 21 of 2018 registered under Section 376 of the Indian Penal Code.

Petitioner is said to have committed rape against the informant intruding into her house in the night on the point of knife.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. The petitioner has been falsely implicated in this case due to animosity and grudge. The medical evidence also does not corroborate the case of the prosecution of rape against the



victim. As per the prosecution case, the rape was committed inside the house of the victim, but mother-in-law and husband of the victim have stated that rape was committed on the roof of the house. Petitioner has been languishing in custody since 16.04.2018.

On the other hand learned APP and learned counsel for the informant vehemently opposed the bail prayer of the petitioner and submitted that though the medical evidence does not corroborate the prosecution case, but the informant and witnesses in paragraphs 8 and 9 of the case diary, have unanimously supported the prosecution case and witnesses have also stated that when they rushed to the place of occurrence, responding the hulla made by the victim, they found the appellant catching hold the victim, who tried to escape, but was apprehended by the villagers.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer is rejected.

(Prakash Chandra Jaiswal, J)

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