

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61249 of 2017

Arising Out of PS. Case No.-52 Year-2016 Thana- MAHILA P.S District- Supaul

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Ram Yadav, S/o Late Bauku Yadav, Resident of Village- Situhar, P.S.-
Supaul, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Prasad

For the Opposite Party/s : Mr. Manoj Kumar

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

12 12-09-2018 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Supaul
Mahila P.S. Case no. 52 of 2016 registered under Sections 376/
506 of the Indian Penal Code.

Petitioner is said to have committed rape against
the informant intruding into her house in the night and extended
threatening of dire consequences in case of divulgence of the
occurrence to others.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. As a matter
of fact, it is a counter blast of the Complaint Case no. 481(C) of
2016 lodged by the wife of the petitioner against the informant



and others, though lodged later to the case under hand. Earlier, the bail prayer of the petitioner was rejected by this Court vide order dated 19.09.2017. The petitioner has no criminal antecedent and has been languishing in custody since 28.06.2017. It is further submitted that out of ten witnesses, six witnesses including the victim have been examined by the prosecution. All the witnesses barring victim have turned hostile. Victim has also named the accused in the occurrence only on the divulgence of his name by the villagers, who had apprehended him in the course of escaping from the house of victim but he anyhow managed to escape.

On the other hand, learned learned APP vehemently opposed the bail prayer of the petitioner and submitted that it is a case of rape against the victim and there is direct allegation of committing rape against the victim by the petitioner and villagers have named the petitioner in the occurrence, hence, he does not deserve bail.

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

However, learned court below is directed to conclude the trial as expeditiously as possible preferably within



four months from the date of receipt/production of a copy of this order and S.P. Supaul is directed to ensure production of the witnesses in the case on each and every date fixed without fail.

Let a copy of this order be communicated to S.P. Supaul by fax for needful.

(Prakash Chandra Jaiswal, J)

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