

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75944 of 2018

Arising Out of PS. Case No.-17 Year-2018 Thana- MAHILA PS District- Jamui

Subodh Yadav @ Subodh Kumar Yadav son of Brahmdeo Yadav, Resident of
Village- Karhatanr, P.S. Khaira, District Jamui.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan Singh
For the Opposite Party/s : Mr.Sri Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 18-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the
offences under Section 376 of the Indian Penal Code.

Prosecution case, in short, is that that the accused
persons allegedly entered into the house of the informant and
committed rape on her.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 18.3.2018 and has got no
criminal antecedent. Charge-sheet/prosecution report has been
submitted in this case. There is no allegation of tampering of
witnesses alleged against the petitioner. The petitioner has
falsely been implicated in the present case. There is no
substantive evidence to suggest his implication in the present



case. The date of occurrence is 22.2.2018 but the F.I.R. has been registered on 16.3.2018 after the lapse of 22 days. The delay in lodging the F.I.R. has not been explained. The allegations made in the F.I.R. is not supported by the medical evidence. Section 164 Cr.P.C. statement of the victim has been recorded after five months of the alleged occurrence as such the same has got no relevance.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. The victim girl in her statement made under Section 164 Cr.P.C. has supported the allegation made in the F.I.R.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected at this stage.

(Sudhir Singh, J)

Pankaj/-

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

