

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48793 of 2019

Arising Out of PS. Case No.-148 Year-2019 Thana- RAJAON District- Banka

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1. ROHIT KUMAR YADAV Son of Sushil Yadav, Resident of Village-Sujal Korama, Police Station-Rajaun, District-Banka.
 2. Rohit Yadav Son of Subodh Yadav, Resident of Village-Sujal Korama, Police Station-Rajaun, District-Banka.
 3. Niko Mandal @ Niki Mandal Son of Dipnarayan Mandal, Resident of Village-Sujal Korama, Police Station-Rajaun, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar

For the Opposite Party/s : Mr.Akbar Ali (App28)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 16-11-2019 Heard both sides.

Petitioners seek bail in Rajoun P.S. Case No.148 of 2019 registered under Sections 376, 376(D), 379 and 34 of the IPC.

The victim alleged that while she was returning to her house, Rohit Kumar Yadav and Rohit Yadav, who came on a tractor, took her in a wheat field. In the meantime, one Niko Mandal also came there on a motorcycle and they all three accused persons committed rape with her one by one.

Learned counsel for the petitioners submits that the victim in her statement under Section 164 of the Cr.P.C. did not



support the factum of occurrence and she disclosed that the petitioners only teased her after putting clothes in her mouth. It appears that the victim made specific allegation that all the three petitioners committed rape with her one by one. It is a case of gang rape.

Having considered the facts aforesaid and the nature of allegation made against the petitioners, I am not inclined to enlarge the petitioners on bail. Accordingly, the same is rejected.

The Committing Court is directed to commit the case to the Court of Sessions forthwith and thereafter the learned Sessions Judge or Additional Sessions Judge, in seisin of the case, shall hold the trial on day to day basis and conclude the trial within nine months from the date of framing of charge. If the trial is not concluded within nine months from the date of framing of charge, the petitioners shall be at liberty to renew their prayer for bail.

(Prabhat Kumar Jha, J)

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