

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61152 of 2019**

Arising Out of PS. Case No.-46 Year-2017 Thana- MAHILA P.S. District- Saharsa

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Ram Kumar Yadav Son of Jay Narayan Yadav Resident of Village-Haripur,
Police Station-Salkhua, District-Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh

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

ORAL ORDER

3 27-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Saharsa
Mahila P.S. Case No. 46 of 2017 registered for the offence
punishable under Sections 376, 323, 379 of the Indian Penal
Code.

Petitioner is said to have committed rape against
the informant in her house.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. As a matter
of fact, petitioner had given Rs. 15,000/- to the brother of the
informant, and on demand of aforesaid money, he has lodged
this false and frivolous case against the petitioner through his



sister. There is no eyewitness of the occurrence. Petitioner has been languishing in custody since 09.10.2018. All the charge-sheeted private witnesses have been examined by the prosecution but, they have turned hostile, hence, the petitioner may be enlarged on bail.

Per contra, learned APP for the State opposing the bail prayer of the petitioner submitted that there is specific allegation against the petitioner of committing rape against the informant, hence, the petitioner does not deserve bail.

Having regard to 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 three months from the date of receipt/production of a copy of this order, if all the unofficial witnesses have been examined by the prosecution, as per the submission of the petitioner.

(Prakash Chandra Jaiswal, J)

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