

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.28244 of 2020**

Arising Out of PS. Case No.-48 Year-2020 Thana- UJIYARPUR District- Samastipur

RAHUL KUMAR S/o Jhari Rai R/o Village- Mahisari, P.S.- Ujiyarpur,  
District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Lakshmindra Kumar Yadav, Adv.

For the Opposite Party/s : Mr. Binod Shankar Modi, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA  
ORAL ORDER**

3      08-12-2020                      Heard both sides through Video Conferencing.

Petitioner seeks bail in Ujiyarpur P.S. Case No.48 of 2020 registered under Sections 376, 341, 323, 307 and 506 of the IPC.

The victim disclosed in her fardbeyan that she had gone to flour mill of the father of the petitioner but the petitioner put the clothes on her mouth, forcibly took her to a lonely place and committed rape with her.

Learned counsel for the petitioner submits that the petitioner is a married man. Some amount was lying due against the informant (victim) and when the petitioner demanded the arrears and the charge of crushing maize, the victim lodged the case making false and frivolous allegation. It is further submitted that the victim made her statement under Section 164



of the Cr.P.C. but there is a vital contradiction in the statements of the victim recorded under Section 164 of the Cr.P.C. with the statements made before the police. On the basis of which, the F.I.R. is registered. It is further submitted that the doctor found the age of the victim to be 28 years. The doctor did not find any injury on the private part of the victim. The petitioner is languishing in jail for last nine months.

Learned A.P.P. opposed the prayer for bail.

It appears that the victim has made specific allegation that the petitioner caught her and put clothes on her mouth and thereafter the petitioner took her to a lonely place and committed rape with her. During course of investigation, the witnesses have also reiterated the facts. The doctor examined the victim and found abrasion on different parts of the body. However, the doctor did not give definite finding with regard to the sexual assault and reserved the opinion awaiting the report, but the injuries were found on her body as alleged by the victim that the petitioner assaulted her with fists and slaps. The victim almost reiterated the facts in her statement recorded under Section 164 of the Cr.P.C. with regard to the rape and such minor contradiction is of no importance.

Having considered the facts aforesaid, I am not



inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within nine months from the date of receipt of this order.

The Superintendent of Police, Samastipur is directed to ensure the presence of prosecution witnesses so that the trial must be concluded within nine months.

Let a copy of this order be sent to the trial court as well as the Superintendent of Police, Samastipur for information and needful.

**(Prabhat Kumar Jha, J)**

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