

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78541 of 2019

Arising Out of PS. Case No.-175 Year-2018 Thana- GOVINDPUR District- Nawada

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Jitendra Yadav @ Jitendra Kumar, aged about 32 years, Male, Son of Raj Kumar Yadav @ Raj Kumar Prasad, Resident of Village Darshan, P.S. Govindpur, District Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar
For the Opposite Party/s : Mr.Ramchandra Sahni

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

10 16-09-2020 Heard both sides through video conferencing.

The petitioner seeks bail in Govindpur P.S. Case No.175 of 2018, registered under Sections 376, 379, 504 and 506 of the Indian Penal Code.

The informant-victim disclosed that on 12.09.2018, while she was all alone in her house and her mother-in-law, father-in-law and her husband had gone outside the house to work in the field, Jitendra Yadav, her co-villager, came and asked for water and *dantman* (brushing stick). The informant offered water and *dantman* and went inside the house to do some domestic work but Jitendra Yadav entered into her house, bolted the door from inside and committed rape with her after putting her down on the ground.



Learned counsel for the petitioner submits that the occurrence took place on 12.09.2018 but the informant gave her statement on 15.09.2018 only after three days of the occurrence without any satisfactory explanation. This fact itself shows that the victim has lodged the false case. It is further submitted that the petitioner is on inimical terms with the husband of the victim. The petitioner had taken contract for fishing from the pond situated near her house and for that there is dispute between the husband of the victim and the petitioner. It is further submitted that from the facts itself, it would appear that the victim was a consenting party. The doctor did not find any injury on any part of the body of the victim. The petitioner is in jail since 29.04.2019 and trial has not yet been concluded. It is also submitted that even the victim in her statement recorded under Section 164 Cr.P.C. disclosed that her sister-in-law was also present in the house but the presence of the sister-in-law of the informant was not disclosed in the FIR.

The learned APP opposed the prayer for bail.

From perusal of the FIR itself, it would appear that the victim made allegation that finding the victim all alone in her house, the petitioner entered into her house and committed rape with her. Of course, the FIR was lodged after three days of



the occurrence but the occurrence took place inside the house with a young lady aged about 21 years who was residing in her in-laws' house. During the course of investigation, the witnesses also reiterated the same facts.

Taking into consideration the facts and nature of allegations made against the petitioner, I am not inclined to enlarge the petitioner on bail at this stage. Accordingly, the prayer for bail of the petitioner is rejected.

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

If the trial is not concluded within six months, the petitioner may renew his prayer for bail.

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

(Prabhat Kumar Jha, J)

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