

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.723 of 2021

Arising Out of PS. Case No.-134 Year-2020 Thana- MASAUDHI District- Patna

=====

UMESH PRASAD @ PRAKASH AKELA Son of Late Chandradeo Yadav
Resident of Village - Nauabag, P.S.- Masaurhi, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Abhay Kumar, Advocate
For the State : Dr. Ajit Kumar, APP.

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-06-2021 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State through video

conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Masaudhi P.S. Case no.
134 of 2020 registered under sections 376 and 506 of the Indian
Penal Code.

As per allegation in the FIR, when the informant had
gone to purchase saree in the shop belonging to the petitioner,
on the pretext that no sarees were available at his house, the
petitioner took the informant to his house and committed rape
on her.

It is submitted by learned counsel for the petitioner
that the allegations as levelled in the FIR are false and
concocted. No occurrence as alleged in the FIR has taken place.



The petitioner has been falsely implicated in the case for oblique reasons. For an occurrence alleged to have taken place on 24.9.2019, the FIR was lodged after a delay of almost 5 months with no reasonable explanation for the same. It has transpired during investigation that the informant refused to get herself medically examined by the doctor. The petitioner has no criminal antecedent and is in custody since 8.5.2020.

The application for bail is opposed by learned Additional Public Prosecutor for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner, the delay in lodging of the FIR and the petitioner having remained in custody for over one year and one month, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Masaudhi P.S. Case no. 134 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Masaudhi, Patna.

(Partha Sarthy, J)

Prakash/-

U			
---	--	--	--

