

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5091 of 2022

Arising Out of PS. Case No.-250 Year-2021 Thana- LADANIA District- Madhubani

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Jitendra Kumar Sah S/O Mahendra Sah R/o village- Arer, Barhuliya Tol, P.S.-
Arer, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Vikram Singh, Advocate Mr.Mukund Mohan Jha, Advocate
For the Opposite Party/s :		Mr.Smita Prasad, Advocate Mr.Subodh Kumar Barnwal, Advocate
For the Statte	:	Mr.Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 27-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of

four weeks from today.

The petitioner seeks bail in connection with Ladania

P.S. Case No. 250 of 2021 registered for the offence under

Sections 406, 420, 376 and 506 of the Indian Penal Code and

Section 67(A) of the I.T. Act, 2000.

The accused/petitioner is named in the F.I.R. and is in

custody since 22.09.2021.

The allegation against the petitioner is to commit rape

upon informant/victim.

Learned counsel appearing on behalf of the petitioner

submitted that petitioner has falsely been implicated in this case,



due to business differences with husband of the informant/victim. It is submitted that two cheques were issued in favour of the petitioner, which were not honoured in the concerned bank, in want of insufficient fund and when further demand was raised by this petitioner, was implicated falsely in this case. It is further submitted that medical report of the victim/informant also negate the recent sexual activity and as such, falsify the allegation of rape. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, while opposing the prayer of bail submitted that there is specific allegation against this petitioner to commit rape upon victim/informant, as supported through her statement recorded under Section 164 of the Cr.P.C. It is further submitted that non-finding of injury during medical examination, does not lead to a conclusion, *Ipso- facto*, that rape was not committed.

In view of the facts and circumstances as mentioned above, as victim/informant specifically raised allegation against this petitioner to commit rape upon her through her statement, as



recorded under Section 164 of the Cr.P.C., this Court is not inclined to grant privilege of bail to the petitioner, at present.

Accordingly, the prayer for bail of the petitioner is rejected herewith.

The trial court is directed to conclude the trial, preferably, within a period of 06 (Six) months from the date of receipt of this order, by taking matter on board, on day-to-day basis, if required.

The Superintendent of Police, Madhubani, is directed to produce the charge-sheeted witnesses, as and when directed by the trial court, so as to conclude the trial within aforesaid time period, as directed above.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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