

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54111 of 2021

Arising Out of PS. Case No.-336 Year-2021 Thana- ISLAMPUR District- Nalanda

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Jitendra Kumar Akela @ Jitendra Kr. Akela Son of Sri Ramji Prasad Resident
of Village - Mohanchak Milki, P.S.- Islampur, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Madhu Prasun, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 19-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Islampur P.S. Case No. 336 of 2021 registered for the alleged offences under Section 376 of the Indian Penal Code.

The prosecution case is that the petitioner committed rape with the informant, who is the wife of the cousin of this petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The FIR has been registered after a delay of one month and twelve days for which there is no reasonable explanation. For the purposes of marriage of her daughter, informant took Rs. 2,80,000/- from the petitioner and instead of returning the same, she has filed this case with dishonest intention to grab the money. The learned counsel further submits that the prosecution story is not believable as the informant herself went to the room of the petitioner and allegedly when the rape was committed, the husband of the informant was in the same house, but she did not disclose this fact to him. It is also apparent from the FIR that the instant case has been lodged by the informant at the instance of her husband and utmost it could be a case of consensual sex between two consenting adults. Learned counsel for the petitioner submits that the petitioner is in custody since 26.06.2021 and charge-sheet has been submitted in this case.

Learned counsel appearing on behalf of the informant vehemently opposes the contention made on behalf of the petitioner. Learned counsel for the informant submits that delay has been explained by the informant in the statement made under Section 164 Cr.P.C. There is no documentary evidence or nothing has been brought on record during investigation regarding giving any loan to the informant by the petitioner.



Learned APP also supported the submission made by learned counsel for the informant and submits that informant has made specific allegation against this petitioner.

Perused the record.

Having regard to the fact that there is direct and specific allegation against this petitioner to have committed rape upon the informant, I am not inclined to grant bail to the petitioner.

However, the trial court is directed to expedite the trial and conclude the same preferably within a period of one year.

If the trial is not concluded within a period of one year, then the petitioner may renew his prayer for bail.

(Arun Kumar Jha, J)

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