

Rakesh Lal Vs. the State of Bihar

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Court : Patna

Decided On : May-24-2012

Appellant : Rakesh Lal

Respondent : The State of Bihar

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous
No.3530 of 2012

===== Rakesh
Lal S/O Satya Prakash Lal Resident of Pali Road, Dehri, Behind Harijan Thana,
P.O and P.S- Dehri, District- Rohtas. Petitioner. Versus The State Of Bihar
.... Opposite Party.

===== CORAM:
HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI ORAL ORDER (Per:
HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI) 02/ 24.01.2012 Heard
learned counsel for the petitioner as well as learned Additional P.P. Indu Devi filed
complaint petition on 2.8.2011 disclosing the date of occurrence as 28.7.2011 at
about 9.30 P.M. alleging inter alia that she happens to be married with Kundan
and out of said wedlock, she had begotten two children aged about three years
and one and half years respectively. Her husband used to remain outside to earn
his livelihood. In the aforesaid background, accused Rakesh Lal made house
trespass and then committed rape. On the following morning she has made
protest with mother and sister of the aforesaid Rakesh Lal who have disclosed that
they will manage her marriage with Rakesh Lal. It has further been Patna High

Court Cr.Misc. No.3530 of 2012 (2) dt.24-01-2012 2/3 disclosed that just after occurrence, accused Rakesh Lal had also made such assurance. As she failed to get the case registered at an earlier opportunity, then lastly filed instant case. Contention on behalf of the petitioner is that petitioner is innocent. Then submitted that actually as the informants husband was not residing and as petitioner and informant happens to be Dewar and Bhaujai under garb of which they developed intimate relationship which they were enjoying but subsequently as it was open to all, then and then only to put safeguard upon her future prospect get this case instituted and that happens to be the reason behind that a story of marriage has been introduced so that delay whatever been, could be explained. In the aforesaid background it has further been submitted that no definite opinion has been given by the doctor over the factum of rape. Further submitted that informant herself happens to be full grown up lady and mother of two children, subsisting other marriage already consummated with Kundan then, in that event, the story so introduced and further keeping tight leading assurance that instant case happens to be out and out on Patna High Court Cr.Misc. No.3530 of 2012 (2) dt.24-01-2012 3/3 account of consent having at her end. Petitioner happens to be under custody since 7.10.2011. In the aforesaid facts and circumstances of the case, petitioner Rakesh Lal is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Dehri (Town) P.S. Case No. 412 of 2011, G.R. No. 2037 of 2011. (Aditya Kumar Trivedi, J.) DKS/

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