
(2017) 03 JH CK 0049
In the Jharkhand High Court
Case No : 6914 of 2016

Ashok Mandal

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 06-03-2017

Acts Referred:

Citation : (2017) 03 JH CK 0049

Hon'ble Judges : Rajesh Shankar

Bench : SINGLE BENCH

Advocate : P.C. Tripathi, ?Prashant Kr. Mishra, ?Rajneesh Vardhan

Final Decision : Dismissed

Judgement

1. Heard the learned counsel for the parties.
2. The petitioner is an accused in a case registered under Section 376 of the Indian Penal Code, in connection with S.T. No. 56 of 2016, arising out of Pratappur P.S. Case No. 02 of 2016, corresponding to G.R. No. 39 of 2016, pending in the court of the learned Principal District & Sessions Judge, Chatra.
3. The learned Senior Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and has not committed any offence as alleged in the F.I.R. The petitioner has not committed the alleged rape upon the informant and she has made out a concocted story due to her malice and grudge. The learned Senior Counsel further submits that witness Ramti Devi has been examined during the trial as P.W. ?1, but she has not supported the case of the prosecution and has accordingly been declared hostile. The petitioner is in judicial custody since 11.01.2016 and, therefore, he may be given the privilege of regular bail.
4. The learned A.P.P. while opposing the petitioner's prayer for bail submits that the informant has not yet been examined in the trial and, therefore, at this stage, the petitioner may not be given the privilege of regular bail.

5. Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail and, hence, the bail application of the petitioner is hereby dismissed.