

Patna High Court - Orders

Raja Ram Mandal vs The State Of Bihar on 9 November, 2011

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1029 of 2011

Raja Ram Mandal

Versus

The State Of Bihar

3. 9.11.2011 The prayer for bail of the appellant has been considered on receipt of the lower court records.

The attention of the Court was drawn to the evidence of the prosecutrix in which she, on account of not implicating Amit Kumar, was cross-examined by the prosecution and during that course her attention was drawn to her earlier statement in which she had alleged the rape by the present appellant and said Amit Kumar. The contention is that the Doctor was also not examined and the evidence of the prosecutrix could not be acted upon inasmuch as she was stating to the court that the report which was lodged by her regarding commission of rape was not read over to her by the Police Officer.

Regard being had to the evidence of the prosecutrix, let the appellant Raja Ram Mandal be directed to be released, during pendency of this appeal, on furnishing a bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the trial court, i.e., 2 nd Additional Sessions Judge, Naugachia in Sessions Trial No. 209 of 2010 and Sessions Trial No. 927 of 2010.

As regards the sentence of fine, realisation thereof against the present appellant shall remain stayed till further orders.

Kanth

(Dharnidhar Jha, J.)