

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8299 of 2016

Arising Out of PS.Case No. -1012 Year- 2015 Thana -AHIAPUR District- MUZAFFARPUR

1. SHATRUGHAN RAI @ SATRUDHAN RAI Son of Late Ramchandra Rai Resident of Village - Ganeshpur, P.S. Ahiyapur, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Bansh Dubey
For the Opposite Party/s Mr. Ajit Kumar (App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

05/ 12.04.2016 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered under section 376/34 of the Indian Penal Code.

Petitioner and one other accused are said to have committed gang rape having entered into the house of the informant.

The contention on behalf of the petitioner is that petitioner has been implicated in this false case as he used to raise his voice against the illegal act of the informant who happens to be a lady of questionable character and that is the reason when the informant was brought to the hospital for medical examination, she refused to cooperate the I.O in medical examination and, therefore, the aforesaid conduct of the informant goes to falsify the accusation levelled against the petitioner. In support of his contention, he refers para 21 of the case diary.

On the other hand, learned Addl. Public Prosecutor vehemently opposes the bail prayer submitting that not only informant but several other witnesses supported the prosecution case and moreover, one co- accused was caught by the informant and other witnesses just after the alleged occurrence and the said co- accused was handed over to the police at the time of institution of the present case which is evident from perusal of para 3 of the case diary.

Regard being had to the facts and circumstances as well as submissions of the parties, I am not inclined to release the petitioner on bail and hence, his prayer for bail in connection with Ahiyapur P.S. Case no. 1012/2015 pending in the court of the Chief Judicial Magistrate, Muzaffarpur stands rejected.

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(Hemant Kumar Srivastava,J)

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