

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28502 of 2017

Arising Out of PS.Case No. -13 Year- 2017 Thana -MAHILA P.S. District- BHABHUA (KAIMUR)

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1. Guddu Bind Son of Birju Bind, Resident of Village- Tiwai, P.S. Chainpur, District Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv.

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 03-08-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in judicial custody since 05.05.2017 in connection with Bhabua Mahila P.S. Case No. 13 of 2017, G.R. No. 412 of 2017 for offence punishable under Section 376 of the Indian Penal Code.

The prosecution case, as lodged by the informant, Soni Devi is that while her husband and father-in-law had gone to Hyderabad to work as a laborer and when she was sleeping with her two and half years old child, on 22.2.2017 at 10 p.m., the petitioner along with Sonu Bind committed rape on her.

It has been submitted by the learned counsel for the petitioner that he is innocent, no overt act has been committed by



him and the medical report does not contain any sign of rape committed on the informant and as per medical report, she is 23 to 25 years of age. He submits that the husband of the informant had taken a sum of Rs. 50,000/- from the petitioner, and with an ulterior motive not to return the said money, the said false case has been lodged. He submits that there is contradiction in the FIR and in her statement under Section 164 of the Cr.P.C., which falsifies the prosecution story. He further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Bhabua Mahila P.S. Case No. 13 of 2017, G.R. No. 412 of 2017 pending in the Court of learned Sub-divisional Judicial Magistrate, Kaimur at Bhabua.

(Nilu Agrawal, J)

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