

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.39570 of 2017**

Arising Out of PS,Case No. -228 Year- 2017 Thana -HARSIDHI District-  
EASTCHAMPARAN(MOTIHARI)

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Tunna Paswan, son of Ramadhar Paswan, resident of village Jaga Pakar,  
P.S Harsidhi, District East Champaran. ....

Petitioner.

Versus

The State of Bihar .... Opposite Party.

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**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Panchanand Pandit

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA  
JAISWAL**

**ORAL ORDER**

02    19-08-2017                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner seeks bail in Harsidhi P.S. Case  
No.228 of 2007 registered under Sections 376 and 379 of the  
Indian Penal Code.

As per the prosecution case, the petitioner is said to  
have committed rape against the daughter of the informant when  
she had gone to graze her she-goat.

It is submitted by learned counsel for the petitioner  
that the petitioner has no concern with the said occurrence. He has  
been falsely implicated in this case at the instance of one Munna  
Thakur as he has defeated him in the Mukhiya election by  
opposing him. The victim in her statement under Section 164  
Cr.P.C. has supported the occurrence of rape committed against



her but the doctor has not found any sign of rape on her.

From perusal of statement of victim recorded under Section 164 Cr.P.C., it appears that though she has denied committing of rape against her but she has divulged that petitioner had disrobed her and himself and pressed her breast.

In the facts and circumstances of the case and the nature of allegation, I am not inclined to grant privilege of bail to the petitioner at this stage. However, he may renew his prayer for bail after framing of charge.

Accordingly, this application is rejected.

**(Prakash Chandra Jaiswal, J)**

Trivedi/-

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