

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38900 of 2017

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

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Sonu Bind Son of Sri Bind, R/o Village- Tewai, P.S.- Chainpur, District-
Kaimur (Bhabua).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rang Nath Pandey

For the Opposite Party/s : Mr. Sri Anish Chandra

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 31-10-2017 Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in connection with Mahila
(Bhabua) P.S. Case No.13 of 2017 for offences punishable
under Section 376 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while her husband and her father-in-law works in
Hyderabad she stays with her two sons and on the fateful night
the petitioner along with co-accused Guddu Bind opened lock
of the house and both committed rape on her one after the
other.



It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case because of being on inimical terms and being neighbors. He submits that the petitioner bears no criminal antecedent and that medical examination does not conclude any rape having been committed. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner and he is languishing in judicial custody since 02.06.2017. He further submits that the date of occurrence in the F.I.R. has lodged by the informant is different from that stated in her statement under Section 164 Cr. P.C. which contradicts the prosecution story.

However, learned APP for the State opposes the prayer for bail stating therein that on similar allegation the other co-accused Guddu Bind has been denied bail and the informant is herself the victim and informant which has been affirmed in her statement under Section 164 Cr. P.C.

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 Mahila



(Bhabua) P.S. Case No.13 of 2017 pending in the court of
learned Sub-Divisional Judicial Magistrate, Bhabua.

The application is, accordingly, rejected.

(Nilu Agrawal, J)

Devendra/-

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