

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6294 of 2017

Arising Out of PS.Case No. -35 Year- 2016 Thana -BAJPATTI District- SITAMARHI

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1. Bauji Rai @ Baueji Rai, Son of Raghubir Rai, R/o village - Balbishwa,
P.S. Bajpatti, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. N. K. Agarwal, Sr. Advocate
Mr. Dr. Bidhu Ranjan, Advocate
For the informant : Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party : Mr. Sri Abhay Kumar Roy (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 21-03-2017 Heard learned counsel for the petitioner, learned

counsel for the informant and learned counsel representing the

State.

The petitioner seeks bail in connection with Bajpatti
P.S Case No. 35 of 2016 registered for the offences punishable
under Sections 366, 366A, 376 of the Indian Penal Code.

Allegedly, the petitioner kidnapped the complainant
(informant) and after bringing her at Muzaffarpur committed rape
with her.

Submission is of false implication and that
occurrence is of 23.02.2016 of 7 A.M., whereas complaint case
was filed on 02.03.2016 after much delay. From plain reading of



the complaint petition, it reveals that allegations are concocted and baseless and no reliance can be placed. On 25.02.2016 as alleged the informant was released but inspite of that no complaint was filed at once and, as such, the petitioner is suffering in custody since 07.10.2016, chargesheet has already been submitted and there is no chance of tampering with prosecution evidence and, as such, the petitioner deserves sympathetic consideration.

Learned A.P.P duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that it was the petitioner who used to commit rape to the informant and delay is well explained, the informant victim is minor aged about 16 years and, as such, the petitioner does not deserves bail.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Bajpatti P.S. Case No. 35 of 2016, pending in the court of learned Chief Judicial Magistrate, Sitamarhi.

(Jitendra Mohan Sharma, J.)

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