

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55624 of 2016

Arising Out of PS.Case No. -213 Year- 2016 Thana -MAHILA P.S. District- BHOJPUR

=====

1. Om Prakash Gupta, Son of Shiv Shankar Gupta @ Balajee, Resident of Village- Jamira, P.S.- Ara Muffasil, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

For the Opposite Party/s : Mr. Ram Bachan Singh

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 03-03-2017 Heard both sides.

The petitioner seeks bail in Mahila P.S. case No. 213 of 2016 under Section 376, 379, 506 of the Indian Penal Code.

The victim made allegation that petitioner committed rape with her and also prepared video/ blue films. The petitioner on the pretext of deleting the video continued to commit rape with the victim.

The learned counsel for the petitioner submits that the victim is a student of B. A. and she must be major and from the contents of the FIR itself it appears that the victim was a consenting party. The occurrence is said to have taken place in the month of December and January but the FIR was lodged on 14.03.2016. The victim refused to be medically examined by the



doctor. The petitioner and the victim were tenants in the same house and there appears that some dispute arose on account of borrowing of money and that is why this false case has been lodged.

The learned counsel for the informant as well as the learned Additional Public Prosecutor opposed the prayer for bail.

The victim appears to be a student of B. A. and she made specific allegation against the petitioner that the petitioner, who is married man, firstly eve teased her and thereafter established physical relationship with her and also prepared the video. The victim further alleged that petitioner snatched her mobile and sent obscene message to her parents from her mobile. During medical examination of the victim it appears that hymen was found old ruptured.

Considering the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

BKS/-

U		T	
---	--	---	--

