

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38137 of 2018

Arising Out of PS. Case No.-62 Year-2018 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Mahesh Singh, Son of Sri Ram Nandan Singh, Resident of Village- Paspura,
P.S.- Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma

For the Opposite Party/s : Mr. Rajesh Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-07-2018 Heard learned counsel for the petitioner, counsel for
the informant and learned APP for the State.

Petitioner is languishing in judicial custody since
12.02.2018 in connection with Begusarai Muffasil P.S. Case No.
62 of 2018 for offences punishable under Sections 376/34 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while she was at her home, the petitioner along with other
co-accused Ram Babu Singh came to her house and took her in
a field and Ram Babu Singh committed rape while petitioner
caught her hands.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has been falsely implicated in
the aforesaid case. He submits that allegation is against another



co-accused and allegation upon him is that he caught the informant's hand. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned counsel appearing on behalf of the informant as well as learned APP for the State oppose the prayer for bail stating therein that both the petitioner and the other co-accused had committed rape on her as is evident from the statement under Section 164 Cr. P. C. before the Magistrate. It is further submitted that the petitioner has a criminal antecedent and five more cases are pending against him, one of similar nature.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail to the petitioner at this stage in connection with Begusarai Muffasil P.S. Case No. 62 of 2018, pending in the court of learned Chief Judicial Magistrate, Begusarai.

Application is, accordingly, rejected. However, petitioner is at liberty to renew his prayer for bail after framing of charge.

Rajesh/Pragya

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(Nilu Agrawal, J)

