

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.57037 of 2017**

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

Guddu Bind, Son of Birju Bind, R/o Village- Tiwai, P.S.- Chainpur, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate  
For the Opposite Party/s : Mr. Anish Chandra, APP

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

5      07-02-2018                      Heard learned counsel for the petitioner and the learned A.P.P. for the State.

This is the second round of litigation. Earlier, the prayer for bail of the petitioner was rejected vide order dated 03.08.2017 passed in Cr. Misc. No. 28502 of 2017. Petitioner is languishing in judicial custody since 05.05.2017 in connection with Bhabua Mahila P.S. Case No. 13 of 2017, G.R. No. 412 of 2017 pending in the Court of learned Sub-Divisional Judicial Magistrate, Kaimur at Bhabua registered for the offence punishable under Section 376 of the Indian Penal Code.

The prosecution case, as lodged by the victim, Soni Devi, is that while she was sleeping with her two and half year old child in the night, petitioner and one another committed rape on her and took away her ornaments.



It has been submitted by the learned counsel for the petitioner that there are lot of contradictions in the First Information report and the statement of the victim under Section 164 of the Cr.P.C. and that petitioner does not have any criminal antecedent.

A report was called for from the Court of learned A.D.J. IV, Bhabua, Kaimur, who has submitted report stating therein that the matter is fixed for framing of charge. No further development has taken place after the rejection of the bail of the petitioner by this Court.

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. This application is, accordingly, rejected.

However, petitioner may renew his prayer for bail after framing of charge.

**(Nilu Agrawal, J.)**

Arjun/-

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