

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1166 of 2018

Arising Out of PS.Case No. -50 Year- 2017 Thana -MAHILA P.S. District- BHABHUA (KAIMUR)

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1. Madan Rai, Son of Bhusan rai, Resident of Village-Diwane, P.S.-Chand,
District-Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh

For the Opposite Party/s : Mr. Md. Arif

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 15-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
16.09.2017 in connection with Mahila (Bhabhua) P.S. Case
No.50/2017 for offences punishable under Sections 366-A, 376,
120-B of the Indian Penal Code.

The prosecution case, as lodged by the victim girl Guria
Kumari is that while she had gone for natural call in the evening
the petitioner along with co-accused Satyendra Rai forcefully took
her in their motorcycle and the petitioner committed rape on her
and confined her in a toilet, thereafter left her in a barren place
from where some of her known persons recovered her and brought



to the police station.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and there is contradiction in the statement of the victim girl in her statement under Section 164 Cr.P.C. and that stated in the First Information Report. He further submits that as per medical examination no sign of physical relationship has been opined. 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 APP for the State opposes the prayer for bail stating therein that the date of occurrence is 13.08.2017 and the medical examination was done on 16.08.2017, hence, it was difficult to ascertain about rape. He further submits that the victim girl has stated in her statement under Section 164 Cr.P.C. that the petitioner committed rape on her as also in the First Information Report.

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 (Bhabhua) P.S. Case No. 50/17, pending in the court of learned Chief Judicial



Magistrate, Kaimur at Bhabhua.

Application is, accordingly, rejected. However, petitioner may renew his prayer for grant of bail after framing of charge.

(Nilu Agrawal, J)

Rajesh/-

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