

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45445 of 2018

Arising Out of PS.Case No. -24 Year- 2018 Thana -MANSAHI District- KATIHAR

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1. Nikki Rai (bhuyan) @ Nikki Bhuyan S/o Srilal Bhuyan Resident of
Village- Hariprasad, P.S. Mansahi, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Sri Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 10-09-2018 Heard the parties.

The petitioner seeks regular bail in connection with Munsahi P.S. Case No. 24 of 2018 corresponding to G.R. No. 993 of 2018 registered for offences punishable under Section 376 of the Indian Penal Code and under section 4 of the Prevention of Children from Sexual Offence Act.

Allegation against the petitioner is of committing rape upon the informant prosecutrix.

Submission of learned counsel for the petitioner is that there is contradiction between the FIR and the statement of the girl recorded under Section 164 Cr.P.C. and girl was consenting party and in spite of those facts, he has falsely been implicated in this case and petitioner is in custody since 18.04.2018.



Heard the learned A.P.P. who has opposed the prayer for bail stating that the statement of girl recorded under Section 164 Cr.P.C. has also supported the prosecution case of rape and it shows that she was minor aged about 15 years.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant bail to the petitioner. As such, the prayer for bail of the petitioner is rejected.

(Vinod Kumar Sinha, J)

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