

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30029 of 2019

Arising Out of P.S. Case No.-40 Year-2018 Thana- NIMCHAKBATHANI District- Gaya

BHOLA RAJBANSHI (M), aged about 28 years, son of Late Naresh Rajbanshi, resident of village-Chhatni Nagar, P.S. Nimchak Bathani, District-Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Prithivi Raj Singh, Advocate
For the Opposite Party : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 18-09-2019 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor and perused the case diary.

The petitioner is in custody in connection with Nimchak Bathani P.S.Case No.40 of 2018 pending in the Court of Additional District & Sessions Judge-III, Gaya registered for an offence under Sections 363, 366, 376 and 34 of the IPC.

Matrix of the prosecution case divulges that when wife of informant, namely, Sunita Devi aged about 40 years had gone to attend the call of nature on 05.04.2018 at about 4 A.M., she did not return. The informant discloses his suspicion in kidnapping of his wife and thereafter raped by the accused persons including this petitioner.

Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in this case due to dirty village politics. Petitioner is in custody since 28.07.2018.

Learned counsel for the State opposes the prayer for bail submitting that the victim who was a married lady and in her statement made under Section 164 Cr.P.C contained in paragraph-20 of the case diary, has alleged that this petitioner committed rape upon her.

In view of the allegation against this petitioner as also taking into account that the petitioner has criminal antecedent, I am not inclined to grant bail to the above named petitioner. Accordingly, the prayer for bail is rejected.

(Prabhat Kumar Singh, J)

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