

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.69351 of 2018**

Arising Out of PS. Case No.-479 Year-2018 Thana- SUPAUL District- Supaul

Amoli Ram S/o-Shri Prasad Ram, Resident of Village-Dakahighat, P.S.  
+District-Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Sri Damodar Prasad Tiwary

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

4      10-01-2019                      Heard the learned counsel for the petitioner and the  
learned counsel for the State.

The petitioner seeks regular bail in connection with Supaul PS case no. 479 of 2018 registered for the offence punishable under Sections 366, 376, 379/34 of Indian Penal Code.

The allegation in the present case is regarding the accused persons having kidnapped the victim lady and thereafter, the petitioner is said to have confined her in a house where he had committed rape upon the prosecutrix.

The learned counsel for the petitioner submits that at best, the driver of the auto-rickshaw can be said to be the accused person who has committed rape. It is submitted that it is surprising that the victim was confined for two days and she did



not raise any alarm. It is further submitted that the incident can be said to be at best, a case of consented sexual intercourse. It is further submitted that the petitioner is languishing in custody since 05.09.2018.

I have heard the learned counsel for the parties and perused the materials on record as well as the case diary and I find that the prosecutrix has specifically named the persons, including the petitioner, who had committed rape, in her further statement, hence there is no merit in the present petition.

Accordingly, the present petition is rejected.

**(Mohit Kumar Shah, J)**

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