

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12850 of 2020

Arising Out of PS. Case No.-554 Year-2019 Thana- GARKHA District- Saran

Upendra Singh, Male, aged about 39 years, Son of Arjun Singh Resident of
Village - Thikha, P.S.- Garkha, Dist.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nawal Kishore Singh, Adv. Mr. Bindhyachal Singh
For the State	:	Mr. Rampriya Saran Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 07-07-2020 Heard learned counsel appearing for the petitioner as well as learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner seeks bail in connection with Garkha P.S. Case No. 554 of 2019 registered for the offences punishable under Section 376 (D) of the Indian Penal Code and 6 of the POCSO Act.

There is a specific allegation of gang rape against the petitioner, but, submission on behalf of petitioner is that there is delay of three days in lodging the First Information Report and no explanation of the aforesaid delay has been given.

Learned counsel for the petitioner further submits that the medical report of victim does not support the allegation as no sign of rape nor any injury was found on the person of



the deceased. He further submits that, as a matter of fact, petitioner has been implicated in this case on account of previous enmity and moreover, petitioner is languishing in jail custody for near about one year.

The statement of victim recorded under Section 164 of the Cr.P.C. gives reply to the submission of learned counsel of the petitioner because the victim has very clearly stated in her statement recorded under Section 164 Cr.P.C. that she was called by her boy friend namely, Samshad on the alleged date of occurrence and when she went their to meet her boy friend, petitioner and his associates came their and seeing them, the boy friend of the victim left the place and, thereafter, the petitioner and his associates committed rape on her and also prepared a video film and on the basis of that video film, they threatened the victim not to disclose about the incident to anyone. However, the victim mustered courage and disclosed the above stated incident to her parents and, thereafter, the present case was lodged.

Considering the aforesaid facts and circumstances as well as submissions of the parties, I am not inclined to release the petitioner on bail and, accordingly, his prayer for bail stands rejected.

(Hemant Kumar Srivastava, J)

GAURAV S./-

U		T	
---	--	---	--

