

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27248 of 2020**

Arising Out of PS. Case No.-79 Year-2019 Thana- MAHILA P.S. District- Araria

1. Sahbaz , aged 25 years, S/o Darban Resident of Village-Matiyari, Ward no.09, P.S-Jokihat, District-Araria.
2. Darban aged about 48 years S/o Jharen @ Karu Resident of Village-Matiyari, Ward no.09, P.S-Jokihat, District-Araria.
3. Altaf aged about 18 years, S/o Kurban Resident of Village-Matiyari, Ward no.09, P.S-Jokihat, District-Araria.
4. Wakil aged about 48 years, S/o Rafique Resident of Village-Matiyari, Ward no.09, P.S-Jokihat, District-Araria.
5. Mantu aged about 25 years, S/o Wakil Resident of Village-Matiyari, Ward no.09, P.S-Jokihat, District-Araria.
6. Izhar aged about 28 years, S/o Wakil Resident of Village-Matiyari, Ward no.09, P.S-Jokihat, District-Araria.

... .. Petitioners

Versus

The State of Bihar

... Opposite Party

**Appearance :**

For the Petitioners : Mr.Manish Kumar, Advocate

For the Opposite Party : Mrs Rita Verma, Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      06-11-2020                      Heard learned counsel for the petitioners and the State via Video Conferencing.

Petitioners apprehend arrest in Araria Mahila Police Station Case No. 79 of 2019 for the offences punishable under Section 376D/323 and other allied sections of the Indian Penal Code.

Prosecution's case in brief is that the accused persons including the petitioners, all named, came to the door of the informant and started assaulting her husband with fists and slaps and danda etc and when the informant tried to rescue him, co-accused Kurban, Ali Hasan and petitioner no.4 brought her into the room and committed rape. Petitioner no.4 put Chili powder on her body.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case. He submits



that during trial against co-accused 1 and 2, informant was examined as prosecution witness no.3 in which she denied the allegation of rape. She has stated in her section 164 Cr.P.C. statement, that she was mentally disturbed. Petitioners have got no criminal antecedent.

Learned counsel for the State opposes the prayer for bail. He states that the Victim has made allegation against the petitioners that they assaulted her and her husband. They committed rape on her.

Considering the gravity of the allegation against all the six petitioners, their prayer for bail is refused with direction to surrender and seek regular bail which would be considered and disposed of on its own merit without prejudice.

**(Prabhat Kumar Singh, J)**

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