

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 24170 of 2020

Arising Out of PS. Case No.-238 Year-2019 Thana- RAMGARHWA District- East
Champaran

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Avinash Kumar Singh @ Ravikant Singh Son of Late Radha Singh @ Radha
Kant Singh Resident of Village - Mangal Pur Patani P.S. - Ramgarhwa,
District - East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava

For the Opposite Party/s : Mr.A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-11-2020 Heard learned counsel for the parties through video
conferencing.

This relates to grant of bail in Sessions Trial No. 83 of
2020, arising out of Ramgarhwa P.S. Case No. 238 of 2019,
registered for the offence under Sections 376/34 of the Indian
Penal Code.

As per the prosecution case, on 29-10-2019, the
daughter of the informant had gone for grazing of she-goat.
Thereafter, at about 12.30 Hrs., there was hue and cry, on which,
informant's son rushed there and saw that this petitioner was
committing rape with informant's daughter and co-accused
Santosh Mahato had forcibly caught her.

It is submitted on behalf of petitioner that petitioner



has been falsely implicated in this case due to dirty politics. No such occurrence has taken place, as alleged in the FIR. There is no eye-witness to the occurrence. It is further submitted that the victim was examined by the doctor and the doctor did not find any commission of rape.

However, counsel for the State has vehemently opposed the bail application and submitted that there is specific allegation of committing rape against the petitioner and the aforesaid fact has duly been supported by the victim in her statement recorded under Section 164 of the Cr.P.C.

Considering the aforesaid facts and circumstances as well as statement of the victim recorded under Section 164 of the Cr.P.C., I am not inclined to grant bail to the petitioner. Accordingly, the bail application of petitioner is rejected.

(Prabhat Kumar Singh, J.)

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