

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28301 of 2020

Arising Out of PS. Case No.-383 Year-2019 Thana- PARSABAZAR District- Patna

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Rabi Sah @ Rabi Kumar Son of Late Bhagwan Sah Resident of Village-
Khaira Toli, Police Station- Parsa Bazar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Sinha

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-11-2020 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

The petitioner seeks bail in Parsa Bazar P.S. Case No.
383 of 2019 registered for the offence under Section 376 of the
Indian Penal Code.

As per prosecution case, on 10-10-2019 at about
11:45 PM, petitioner is alleged to have entered into the house of
informant and committed rape with informant on the point of
Katta.

It is submitted on behalf of petitioner that petitioner
has been falsely implicated in this case. In fact, petitioner has
dues of Rs. 25,000/- as labour charge against the husband of the
informant, and when petitioner demanded his money, the
husband of the informant has falsely implicated petitioner in this



case. It is further submitted that as per FIR, the alleged occurrence took place in the night of 10-10-2019, but FIR was lodged belatedly on next date i.e. 11-10-2019 at 6:00 PM, whereas police station is hardly 5 km away from her house. It is also submitted that victim was examined by the doctor and doctor has not found any external injury on her body nor any mark or injury has been found on her private parts and as such, there is no evidence regarding any sexual assault. The victim is 35 years old and petitioner is in custody since 17-01-2020. Chargesheet has already been submitted.

However, learned A.P.P. for the State has vehemently opposed the bail application and submitted that there is specific and direct allegation against this petitioner of committing rape with the victim (informant).

Considering the aforesaid facts and circumstances as well as specific allegation against this petitioner of committing rape with the victim, I am not inclined to grant him bail. Accordingly, the bail application stands rejected.

(Prabhat Kumar Singh, J.)

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