

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28641 of 2020

Arising Out of PS. Case No.-110 Year-2019 Thana- MAHILA P.S. District- Patna

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DHARMENDRA KUMAR, Son of Tulsi Ram @ Tulsi Das, Resident of
Village- Dashratha, P.S.- Beur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Prasad

For the Opposite Party/s : Mr.Binod Kumar III

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-12-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

The petitioner seeks bail in a case registered for the
offence punishable under Section 376 of the Indian Penal Code.

The prosecution case in brief is that the informant has
given his statement stating therein that his daughter namely
Madhu Mala Kumari is mentally discarded and she is aged
about 17 years, she was washing cloth in her house and finding
her along petitioner entered into the house and committed rape
with her. He has further alleged that his neighbour namely
Dharmendra Kumar (petitioner) has committed rape with his
daughter and also threatened to kill her. Lastly, it is alleged that
when the sister and Bhabhu of the informant went to the house
of accused they committed assault with them.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. The petitioner has dragged in this case merely on suspicion because there is no eye witnesses of the occurrence. The petitioner is in jail custody since 26.10.2019. The petitioner has no criminal antecedent which is mentioned in para 3 of the bail petition.

Learned APP for the State opposes the prayer for bail petition.

I perused the record and case diary, statement of victim recorded under Section 164 Cr.P.C. in which victim has supported the prosecution case and other witnesses have also supported the prosecution case.

Considering the aforesaid facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected in connection with Special Case No. 199/2019 arising out of Mahila P.S. Case No. 110/2019 from the Court of learned Additional District and Sessions Judge, Patna.

Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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