

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70877 of 2019**

Arising Out of PS. Case No.-187 Year-2019 Thana- RAMGARHWA District- East  
Champaran

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TUNTUN KUMAR SAH @ TUNTUN KUMAR Son of Ashok Sah Resident  
of Village - Vinvaliya, P.S.- Ramgarhwa, Distt - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Umesh Chandra Verma  
For the Opposite Party/s : Mr.Abhay Kumar

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR  
MISHRA**

**ORAL ORDER**

3      04-03-2020                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner seeks bail in connection with  
Ramgarhwa P.S. Case No.187 of 2019 registered under Sections  
376 and 506/34 of the Indian Penal Code, pending in the court  
of the Sub-Divisional Judicial Magistrate, Raxaul, Motihari,  
East Champaran.

The accusation is of committing rape on the  
informant by this petitioner thrice being her brother-in-law  
(Devar).

Learned counsel appearing on behalf of the  
petitioner submits that while the informant has stated about  
committing rape by this petitioner upon her thrice in the F.I.R.



but in her statement recorded under Section 164 of the Code of Criminal Procedure, she has stated that she had made sexual relation with the petitioner according to her will. The petitioner is in custody since 08.09.2019.

Having regard to the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant bail to the petitioner. Accordingly, the prayer of the petitioner for grant of bail stands rejected. However, the petitioner may renew his prayer for bail after completion of one year in jail custody.

**(Rajendra Kumar Mishra, J)**

P.S./-

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