

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21474 of 2021

Arising Out of PS. Case No.-10 Year-2020 Thana- MAHILA P.S. District- Patna

Binayak Singh @ Binayak Kumar Singh @ Vinayak @ Vinayak Kumar Singh
Son Of Awadhesh Kumar Singh R/O Flat-302, Shyama Manali Apartment
Jagdeo-Path, P.S.- Hawaii Adda, District- Patna. Pin No. 800014.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan, Adv.

For the Opposite Party/s : Mr. Ajay Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

3 24-06-2021 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 Sections 376(D) and 323 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case is that petitioner on the point of pistol taken away the informant to flat near P&M Mall, Patliputra where under threats, he committed rape on her and forcible made video of the incident.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that similarly situated co-accused has been granted bail by a coordinate Bench of this Court in Cr. Misc. No. 18694 of 2020 on 31.08.2020. He submits that petitioner is suffering from HIV disease.

However, learned APP for the State vehemently opposing the bail application submitted that the victim in her



statement recorded under Section 164 Cr.P. C. has fully supported the prosecution case. He further submitted that the petitioner has committed a heinous crime, hence, he does not deserve for bail.

In pursuance to the order dated 25.05.2021, a medical report of Chief Medical Officer, Adarsh Central Jail, Beur, Patna regarding disease of the petitioner has been received and kept at Flag-A, in which it is stated that the petitioner is suffering from HIV positive and at present his health condition is stable and the treatment is going on.

Considering the facts and circumstances of the case and the report of the Chief Medical Officer, Adarsh Central Jail, Beur, Patna, I am not inclined to enlarge the petitioner on bail. Accordingly, his payer for bail is rejected in connection with Mahila P.S. Case No. 10 of 2020 pending before the court of the learned Judicial Magistrate, 1st Class, Patna.

Accordingly, the application is dismissed. However, Trial Court is directed to expedite the trial.

(Anjani Kumar Sharan, J)

devendra/-

U			
---	--	--	--

