

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.21620 of 2021**

Arising Out of PS. Case No.-43 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

MOTI PATEL Son of Ram Dayal Patel Resident of Village - Keshari, P.S. -  
Rohania, District - Varanasi (Uttar Pradesh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Kali Prasanna Dubey

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

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH  
ORAL ORDER**

5      28-09-2021                      Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of bail in Bhabua  
(Mahila) P.S. Case no. 43/2020 registered for the offence  
punishable under section 376 of the Indian Penal Code.

As per prosecution case, this petitioner is alleged to  
have committed rape on the informant while taking the  
informant to Gaya from Banaras on his auto.

It is submitted on behalf of the petitioner that  
petitioner has been falsely implicated in this case. In fact, his  
auto was stolen by one auto driver and he was apprehended at  
Mohania police station but unfortunately, police implicated this  
petitioner in this false case. From perusal of the FIR, it appears  
that the victim is married lady and she came from Uttar Pradesh  
and on the date of occurrence, she reached Bhabua where she



met an auto driver and thereafter, it is alleged that said driver established physical relation with the informant. Medical report does not support the prosecution case and the doctor found the age of the victim between 17 to 19 years. Doctor opined that no recent sexual intercourse has been committed but sexual intercourse cannot be ruled out.

However, learned counsel for the State opposed the prayer for bail and submitted that victim girl in her 164 statement has supported the prosecution case. Doctor's report also does not rule out the possibility of sexual assault.

Considering the rival submissions and nature of allegation and gravity of the offence, this bail application is rejected.

**(Prabhat Kumar Singh, J)**

s.hassan/-

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