

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26334 of 2021

Arising Out of PS. Case No.-28 Year-2020 Thana- MAHILA P.S. District- Samastipur

1. RAKESH KUMAR @ BHULLA S/o Ramadhar Rai @ Shashi Kumar Yadav
2. HEMANT KUMAR S/o Late Devlal @ Late Devlal Rai Both Resident of Village- Simri, P.S.- Vidyapati Nagar, District- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Chandra Bose
For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioners and the State.

The petitioners pray for grant of bail in Mahila P.S.
Case no. 28/2020 registered for the offence punishable under
sections 376(DA), 341, 323, 504, 506/34 of the Indian Penal
Code and section 4 of POCSO Act.

As per prosecution case, on 10.4.2020 at about 10
p.m., when the informant was in her home then Niwas Kumar,
Mithlesh Kumar, Prabhat Kumar, Jai Prakash and four others
including petitioners armed with pistol and rifle entered into her
house and raped her minor daughter by pressing her mouth.

It is submitted on behalf of petitioners that petitioners



have been falsely implicated in this case. In fact some dispute arose between the parties over grazing of maize crops of the petitioners by the goat of the informant as a result of which some altercation took place between the parties and thereafter this false case has been lodged against the petitioners. It is further submitted that doctor has not found any external injury on the body of the victim. It is further submitted that victim and her family members were habitual litigants and in past also several cases were filed against the family of the petitioners and others. Petitioner are in custody since 04.01.2021. Charge sheet has already been submitted.

Learned counsel for the State opposed the prayer for bail and submitted that there is gang rape upon the daughter of the informant by the petitioners and others. The doctor has assessed the age of victim between 14 and 15 years and medical report does not rule out the possibility of rape.

Considering the nature of gravity of offence, bail application of the petitioners is rejected.

(Prabhat Kumar Singh, J)

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