

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39818 of 2021

Arising Out of PS. Case No.-179 Year-2020 Thana- CHANDAUTI District- Gaya

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AWADHESH KUMAR S/O SURENDRA YADAV R/O VILLAGE-
MAYAPUR, P.S. MUFFASIL, DISTRICT-GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Syed Asgher Najmi

For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 07-12-2021 At the outset, learned counsel for the petitioner is permitted to make correction in the prayer portion of the bail petition.

Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under section 376 of the Indian Penal Code.

As per the prosecution case, this petitioner committed rape on the victim and was apprehended on the spot.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Informant is the owner of a truck, whereas petitioner is the Khalasi of the said truck and as the petitioner stopped his service, informant dragged him in the false case. Doctor has



not found the sign of physical intercourse. Petitioner has claimed clean antecedent and he is in custody since 4.10.2020.

Learned counsel appearing for the State and the informant oppose the prayer for bail. They submit that in section 164 Cr. P. C. statement, victim has supported the prosecution case. Stain of Semen has also been found on the clothes of the victim.

Considering the aforesaid facts and circumstances of the case and statement of the victim, prayer for bail of the petitioner is refused.

(Prabhat Kumar Singh, J)

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