

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41257 of 2021

Arising Out of PS. Case No.-975 Year-2020 Thana- BANKA District- Banka

Md. Isto Son of Islam Resident of Village- Kharihara, P.S.- Barahat, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 22-10-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Banka (Barahat) P.S. Case No. 975 of 2020, registered for the offence under Sections 323, 376 and 354 of the Indian Penal Code.

As per the prosecution case, the petitioner is alleged to have entered in the house of the victim (informant) in the midnight and committed rape upon her and threatened her not to reveal the ordeal to anyone.

It is submitted on behalf of petitioner that petitioner is innocent and has committed no offence. In fact, the parents of the informant wanted to marry informant with petitioner, which was refused by parents of petitioner and as such, petitioner has been falsely implicated in this case. Petitioner is in custody since 16.03.2021.



However, learned A.P.P. for the State vehemently opposed the bail petition and submitted that there is specific allegation against this petitioner of committing rape with the victim (informant), which fact has duly been supported by the victim in her statement recorded under Section 164 Cr.P.C.

Considering the nature and gravity of the offence, the bail petition of petitioner is rejected.

(Prabhat Kumar Singh, J.)

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