

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1106 of 2021

Arising Out of PS. Case No.-31 Year-2020 Thana- MAHILA P.S. District- Bhojpur

1. Vikash Kumar S/o- Shiv Murat Yadav @ Jay Yadav R/o Village- Esadhi, P.S.- Ayar, District- Ara, Bhojpur.
2. Vivek Kumar S/o- Ramdeo Sah R/o Village- Esadhi, P.S.- Ayar, District- Ara, Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Narayan, Sr.Adv.

Mr. Sunil Kumar Yadav, Adv.

For the Opposite Party/s : Mr. Pramod Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 02-03-2021 Heard learned counsel for the parties.

The petitioners seek bail in Mahila P.S. Case No. 31 of 2020 registered for the offence under Section 376(d), 506/34 of the Indian Penal Code and Section 67 of I.T.Act.

As per the prosecution case, these petitioners alongwith co-accused Chandan Kumar committed gang-rape with the informant, while she had gone to attend the call of nature on 30th January, 2020.

It is submitted on behalf of petitioners that FIR has been lodged after delay of three months and there is no explanation for the same. Moreover, there is land dispute between the parties. Petitioners are co-villager. In fact, only



when the video of alleged incident was made viral, the informant narrated whole story to her family member, which itself falsifies the prosecution case.

However, learned A.P.P. for the State vehemently opposed the bail application and submitted that there is specific allegation against these petitioners of committing rape and said fact has already been supported by the victim in her statement recorded under Section 164 of the Cr.P.C.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioners and accordingly, same stands dismissed.

(Prabhat Kumar Singh, J.)

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