

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.577 of 2021

Arising Out of PS. Case No.-163 Year-2014 Thana- ARA MUFFSIL District- Bhojpur

AKHILESH MUSHAR son of Sarga Mushar Resident of Alipur, P.S.- Ara
Muffasil, District- Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.

For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-02-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of normal functioning of the court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 376 (1) of the Indian Penal Code.

Prosecution case as lodged by the informant is that when she was sleeping on the roof of his house, petitioner came and closed her mouth and raped her thereafter, he ran away through the other roof.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case due to dirty village politics. He submits that victim lady was not produced before the learned court below to record her statement under Section 164 of Cr.P.C. which creates serious doubt to the prosecution case. He further submits that petitioner bears no criminal antecedent as stated in para-3 of the bail application and he is languishing in judicial custody since 08.01.2020.

Considering the serious nature of allegation, I am not inclined to enlarge the petitioner on bail. Accordingly, bail application of the petitioner is rejected in connection with Ara Mufassil P.S. Case No. 163 of 2014 pending before the court of the learned Chief Judicial Magistrate, Ara at Bhojpur.

However, petitioner is at liberty to renew his prayer for bail after framing of charge.

(Anjani Kumar Sharan, J)

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