

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4207 of 2021**

Arising Out of PS. Case No.-33 Year-2020 Thana- MAHILA P.S. District- Bhojpur

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Krishna Rai @ Krishna Behari Ray Son of Suraj Kumar Ray Resident of
Village - Katharai, P.S.- Charpokhari, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sarveshwar Tiwary
For the Opposite Party/s : Mr.A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 28-06-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of bail in Piro Mahila P.S.
Case no. 33 of 2020 registered for the offence punishable under
sections 376D, 506/34 of the Indian Penal Code, 4 POCSO Act
and various sections of the SC/ ST Act.

As per prosecution case, on 25.04.2020 at 2.30 in the
afternoon, daughter of the informant aged about 16 years was
returning from the house of Pappu Rai after giving him the
clothes for tailoring as his daughter was doing the job of
tailoring and while she was returning in Gali co-accused Golu
Pandey put pistol on the temple of the victim and dragged the
victim to the house of Shiv Shankar Pandey and this petitioner



and two other accused committed rape upon her.

It is submitted on behalf of the petitioner that FIR has been lodged after delay and in fact, petitioner has been falsely implicated in this case at the instance of his **Gotia** who wanted to grab the land of the petitioner. It is highly improbable that in a totally locked room aforesaid crime was committed. Petitioner is more than 60 years and he is in custody since 05.05.2020.

However, learned counsel for the State vehemently opposed the prayer for bail and submitted that there is specific and direct allegation against the petitioner for committing rape on minor daughter of the informant.

Considering the aforesaid facts and circumstances, prayer for bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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