

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2886 of 2021**

Arising Out of PS. Case No.-128 Year-2020 Thana- IMAMGANJ District- Gaya

RAHUL KUMAR @ RAHUL KUMAR GUPTA Son of Sri Sambhu Prasad
Gupta resident of village- Raniganj, P.S. Imamganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan

For the Opposite Party/s : Mr.A.G.

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

2 15-03-2021 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Imamganj P.S. Case No.
128 of 2020, registered for the offence punishable under Section
376(D) of the Indian Penal Code and section 66(E) of the
Information Technology Act.

As per the prosecution case, this petitioner along with
other accused persons on the point of pistol took the informant
to newly constructed house of one Tara Saw and committed rape
with her. It is further alleged that they also made video clipping
of the incident and threatened her not to disclose the ordeal to
anyone otherwise they got the video viral.

It is submitted on behalf of the petitioner that
petitioner has falsely been implicated in this case. FIR has been



lodged after lapse of two years of the alleged occurrence and there is no plausible explanation for the same. Petitioner is in custody since 17.07.2020 having no criminal antecedent.

Learned APP however, vehemently opposed the prayer for bail and submitted that there is specific allegation against this petitioner of committing rape and the victim girl in her statement under Section 164 Cr.P.C has supported the prosecution version.

Considering the facts aforesaid and the nature of allegation, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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