

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9641 of 2021**

Arising Out of PS. Case No.-177 Year-2020 Thana- RAMPUR District- Gaya

BIJOY YADAV @ BIJAY KUMAR YADAV S/o Chander Yadav @ Ram
Chander Yadav R/o Village- Bela, P.S.- Hunterganj, District- Chatra

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr.BN Pandey, Addl Public Prosecutor

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

2 22-07-2021 Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail in Rampur Police Station Case No. 177 of 2020 registered for the offences punishable under section 376 of the Indian Penal Code.

As per the prosecution case, while the informant was sleeping alone on the roof of a hospital, petitioner, finding her alone, committed rape on her.

Learned counsel for the petitioner submits that the niece of the petitioner was admitted in the hospital and some altercation took place between the petitioner and some hospital staff on the point of expenditure incurred in the treatment of his niece. Meanwhile, staff of the hospital assaulted the petitioner and snatched cash Rs.35,500/- and a mobile phone set for which petitioner lodged an FIR and the instant case is the counter blast



of the said case. Moreover, the case has been lodged after delay of two days of the occurrence without giving any explanation. Petitioner claims clean antecedent. Petitioner is in custody since 7.6.2020.

Learned counsel for the State opposes the prayer for bail and submits that the victim in her section 164 Cr.P.C. statement has supported the prosecution case.

Considering the nature and gravity of allegation, prayer for bail of the petitioner is refused.

(Prabhat Kumar Singh, J)

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