

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9632 of 2021**

Arising Out of PS. Case No.-41 Year-2017 Thana- MAHILA PS District- Gaya

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Pintu Kumar @ Pintu Yadav Son Of Hare Ram Yadav R/O Village- Ghosri,
P.S.- Geloher, District- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Syed Asgher Najmi
For the Opposite Party/s : Mr.B.N. Pandey, APP

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

4 13-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Gaya Mahila P.S. Case
No. 41 of 2017, registered for the offence punishable under
Sections 376/34 of the Indian Penal Code.

As per the prosecution case, on 20.10.2017 at about
8.00 pm when the informant was returning by taking water, in
the meantime, this petitioner along with other co-accused
snatched her bucket and brought her to *Kola* and thereafter,
committed rape upon her.

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



the case is evident from the fact that co-accused namely, Rakesh Kumar who is Army personnel was also implicated in this case though he was not present on the place and time of occurrence and he was implicated in this case because he has denied the marriage proposal of the informant and he has been granted anticipatory bail by this Court vide order dated 15.01.2019 passed in Cr. Misc. No. 69865 of 2018. The doctor has not found any sign of rape and assessed the age of victim between 18-19 years. Petitioner is in custody since 19.07.2020 having no criminal antecedent. Chargesheet has already been submitted.

Learned APP however, vehemently opposed the prayer for bail and submitted that

Considering the nature of allegation and gravity of offence, 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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