

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15430 of 2021**

Arising Out of PS. Case No.-116 Year-2020 Thana- PHULWARIA District- Begusarai

1. Nagbhusan Chaudhary Son of Late Sidheshwar Chaudhary Resident of Village - Shokhara, Ward No.6, Dindayal Road, Gandhi Nagar, P.S.- Fulwariya, Distt.- Begusarai.
2. Mani Bhusan @ Mamia Chaudhary Son of Late Sidheshwar Chaudhary Resident of Village - Shokhara, Ward No.6, Dindayal Road, Gandhi Nagar, P.S.- Fulwariya, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh
For the Opposite Party/s : Mr.Surendra Kumar Singh

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

3 16-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioners seek bail in Fulwariya P.S. Case No. 116 of 2020, registered for the offence under Sections 376, 493/34 of the Indian Penal Code.

As per the prosecution case, on the false assurance, co-accused Ranjit Sah used to commit rape with the informant and also got her raped by these two petitioners. It is further alleged that they also gave threat to make video of the occurrence viral.

It is submitted on behalf of petitioners that petitioners have been falsely implicated in this case due to enmity, as petitioner no. 1 had lodged a case against the family members of informant, vide Fulwariya P.S. Case No. 115 of 2020. It is



further submitted that the victim (informant) was examined by the medical board and there is no specific opinion by the board that rape was committed in near future. Petitioners are in custody since 07.10.2020.

However, learned A.P.P. for the State opposed the bail petition and submitted that it is a case of 'gang rape' and informant is a minor girl aged about 16 years and has supported the prosecution case in her statement recorded under Section 164 Cr.P.C.

Considering the nature and gravity of the offence, specific allegation of committing rape against petitioners as well as statement of the victim (informant) recorded under Section 164 of the Cr.P.C., I am not inclined to grant bail to the petitioners and same is, accordingly, rejected.

(Prabhat Kumar Singh, J.)

anay

U		T	
---	--	---	--

