

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15717 of 2021**

Arising Out of PS. Case No.-242 Year-2019 Thana- PARIHAR District- Sitamarhi

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FEKAN RAI Son of Late Asharfi Rai Resident of Village- Rampur Mahuaain  
@ Mahuaba, Ward No. 1, P.S.- Parihar, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                      |   |                                      |
|----------------------|---|--------------------------------------|
| For the Petitioner/s | : | Mr. Vinod Kumar, Advocate            |
| For the State        | : | Ms. Asha Devi, APP                   |
| For the informant    | : | Mr. Pushpendra Kumar Singh, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      24-08-2021                      Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under section 376 of the Indian Penal Code.

As per allegation in the FIR, the elder brother of the husband of the informant committed rape on the informant.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and concocted. The petitioner happens to be a 75 year old man. There is no explanation for the delay of two days in lodging of the case and that too a complaint case was filed. It is submitted that the informant having sold the land which fell in the share of



her husband, was pressurizing the petitioner to transfer by a registered deed portion of the land which fell in his share and on the petitioner having refused the same, the instant case was filed first by way of a complaint which was subsequently registered as an FIR. The petitioner is in custody since 24.4.2020 and has no criminal antecedent. Investigation in the case has concluded.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the petitioner happens to be the sole/main assailant who committed rape on the informant who happens to be the widow of his younger brother. The allegation is supported by her statement under section 164 Cr.P.C as also the statement of the son and daughter of the victim informant.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

**(Partha Sarthy, J)**

Prakash/-

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