

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3399 of 2022

Arising Out of PS. Case No.-12 Year-2021 Thana- MAHILA P.S. District- Sitamarhi

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Ramprit Mahto S/o Dev Narayan Mahto R/o Village- Shahpur, Sugahi, P.S.-
Sahiyara, Dist- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar, Advocate
For the Opposite Party/s	:	Mr. Naveen Kumar Pandey, APP
For the Informant	:	Mr. Raghvendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 23-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Mahila
P.S. Case No. 12 of 2021 registered for the offence under
Sections 341, 342 and 376(D) of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 20.09.2021.

The allegation against the petitioner is to commit rape
upon the informant/victim, alongwith other co-accused persons
after consuming liquor.

Learned counsel appearing on behalf of the petitioner



submitted that the petitioner has been falsely implicated in present case due to neighbourhood disputes and differences. It is submitted that medical report is not supporting the allegation. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail submitted that the victim supported specifically, while recording her statement under Section 164 of the Cr.P.C. that rape was committed by this petitioner, while she went to take water at hand-pump situated outside her house, at night at about 9:00 P.M. It is further submitted that rape is a legal finding not a medical one and non-finding of injury does not lead to conclusion, *ipso facto*, that rape was not committed upon.

Considering the facts and circumstances as mentioned above, as there is a specific allegation to commit rape against this petitioner, as raised by informant/victim, while recording her statement under Section 164 of the Cr.P.C., this Court is not inclined to grant bail to the petitioner, at present.

Accordingly, prayer of bail of the petitioner is rejected



herewith.

The Court below shall expedite the trial.

(Chandra Shekhar Jha, J)

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