

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19951 of 2021**

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

RANJEET SAH SON OF LATE GANGA SAH @ GANGA SAH VILLAGE
SHOKHARA 01, WARD NUMBER 06, GANDHI NAGAR POLICE
STATION PHULWARIA, DISTRICT BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

8 18-02-2022

Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. appearing for the State.

Let the defect(s) be removed within two weeks of
the complete start of the physical Court in normal course.

The petitioner, who is in custody since 07.10.2020
seeks regular bail in connection with Phulwaria P.S. Case No.
116 of 2020, for the offence punishable under Sections 376,
493/34 of Indian Penal Code, pending in the Court of learned
Addl. Chief Judicial Magistrate, 1st Class, Begusarai.

The prosecution case, in brief, is that on the false
assurance, petitioner Ranjit Sah used to commit rape with the
informant and also got her raped by two other co-accused,
namely, Nagbhusan Choudhary and Mani Bhusan @ Mamia



Choudhary. It is further alleged that they also gave threat to make video of the occurrence viral.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in this case. He further submits that as per F.I.R. the alleged incidence took place on 19.08.2020 and F.I.R. has been lodged on 23.08.2020 and as per the allegation made in the F.I.R., accused persons committed rape with the informant in Sujit Hotel located in Barauni, but the staff or the manager of the said hotel has not been made allegation of the alleged rape to have been committed in the hotel. He further submits that there is no reference of name of the petitioner in the register of the hotel. The allegation of photograph made is not sustained in absence of any reference of the mobile number nor any mobile has been seized from the possession of the petitioner or in course of investigation. The Doctor has reported that no sign of any physical assault or sexual intercourse in the medical report nor there is any assault on the person of the victim girl.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submits that statement of victim girl recorded under Section 164 of Cr.P.C.



enables to establish case of gang rape in the present case and after considering the entire facts and circumstances of the case the prayer for bail of the other co-accused has been rejected by a co-ordinate Bench of this Court.

Considering the above facts and circumstances of the case, there is direct allegation against the petitioner of having committed rape with the informant as well as the statement recorded under Section 164 Cr.P.C. I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for grant of bail to the petitioner, above named, is rejected.

The trial Court is directed to proceed with the trial expeditiously and conclude the same within a period of nine months from the date of this order.

If no substantial progress takes place in the trial, the petitioner, if so advised, may renew his prayer for bail after the aforesaid period of nine months.

(Purnendu Singh, J)

manish/-

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

