

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9599 of 2022

Arising Out of PS. Case No.-26 Year-2021 Thana- MAHILA PS District- Buxar

1. Bhuwar Ram S/o Nakharu Ram R/o Village- Babhani, P.S.- Buxar Muffasil, District- Buxar.
2. Anil Ram s/o Ishwar Dayal ram r/o village- Babhani, P.S.- Buxar Muffasil, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-11-2022 Heard learned counsel appearing on behalf of the
petitioners 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 petitioners seek bail in connection with Buxar
(Mahila) P.S. Case No. 26 of 2021 registered for the offence
under Section 376D of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and
both are in custody since 10.08.2021.

The allegation against the petitioners is to commit
gang rape upon informant/victim, while she was attending
natural call at about 9:00 p.m., in an open field near to her



house.

Learned counsel appearing on behalf of the petitioners submitted that both the petitioners have falsely been implicated in this case due to local issue regarding encroachment of road crossing the house of the petitioners. It is submitted that medical report is not supporting the allegation of the rape. It is further submitted that FIR was lodged with the delay of two (2) days without any just explanation, particularly, under the circumstances, when the victim having a mobile phone and was in a position to inform the police immediately after the occurrence. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail submitted that there is specific allegation against these petitioners to commit rape upon victim/informant one by one. It is further submitted that victim supported the allegation as alleged regarding committing gang-rape upon her by the petitioners as per her statement recorded under Section 164 of the Cr.P.C. It is also submitted that during the medical examination, injuries on face, chin, left arm and left abdomen of



the victim/informant was noticed, suggesting that how brutally she was ravished, while committing rape upon her.

In view of the facts and circumstances as mentioned above, as victim specifically alleged to commit rape against both the petitioners, while recording her statement under Section 164 of the Cr.P.C., in the background of injuries as were found upon victim/informant, this Court is not inclined to grant privilege of bail to the petitioners, at present.

Accordingly, the prayer for bail of the petitioners is rejected herewith.

The learned Trial Court is directed to conclude the trial, preferably, within a period of 06 (six) months from the date of receipt of this order, by taking this matter on board, on day-to-day basis, if required.

The Superintendent of Police, Buxar, is directed to produce the charge-sheeted witnesses, as and when directed by the learned Trial Court, so as to conclude the trial within aforesaid time period, as directed above.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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