

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10643 of 2022

Arising Out of PS. Case No.-13 Year-2021 Thana- KHAGARIA District- Khagaria

ABHISHEK KUMAR S/o Pankaj Mandal Resident of Sonbarsa, Kargolha
Ward No.-2, P.S.- Bihpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Binod Kumar
For the Opposite Party/s :	Mr.Umeshanand Pandit
	Mr.Manoj Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 09-05-2022 Heard learned counsel for the parties.

The petitioner seeks bail in a case registered for the offence under Sections 420, 406, 376, 34 of the Indian Penal Code.

As per the prosecution case, this petitioner committed rape with the informant.

It is submitted on behalf of petitioner that though, as per F.I.R., the alleged incident took place on 15.09.2020 and thereafter, on 19.10.2020, but F.I.R. in the present case has been lodged after lapse of two & half months on 03.01.2021 without there being any explanation of delay. Informant is major and no case under Sections 420, 406 of the I.P.C. is made out against the petitioner and he is in custody since 07.10.2021.



However, learned A.P.P. and learned counsel for the informant vehemently opposed the bail petition and submitted that there is specific and direct allegation against this petitioner of committing rape with the informant on two occasions. The aforesaid fact has also been supported by the informant in her statement recorded under Section 164 Cr.P.C.

Considering the nature and gravity of the offence as well as statement of the informant recorded under Section 164 Cr.P.C., I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J)

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