

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11226 of 2022

Arising Out of PS. Case No.-23 Year-2021 Thana- MAHILA P.S District- West Champaran

Munna Gupta @ Munna Prasad S/o Radha Krishna Prasad R/o Village-
Bhapra, P.S.- Sathi, District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Rajendra Singh, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 29-07-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Mahila P.S. Case No. 23 of 2021 lodged under Sections 341,
323, 420, 376, 504, 506 of the Indian Penal Code.

As per the prosecution case, the informant is resident
of West Bengal and was brought to West Champaran by the
petitioner on false promise to provide job in catering against
salary of Rs. 12,000/- per month. It has been submitted by the
informant that she was assaulted and under threat she forced to
dance in the musical club. It has categorically stated by the
informant that the petitioner later on raped her as well as got her



raped by others. When the informant tried to run away she was captured again by the petitioner's friends, upon which they abuse and beaten by them. Allegation of repeated rape is upon the petitioner and on his instance by others.

Learned counsel for the petitioner submits that petitioner is the victim in this case due to the reason that the said informant and one of her friend filed in total three false cases namely Mahila P.S. Case No. 16 of 2021, Mahila P.S. Case No. 23 of 2021 and Mahila P.S. Case No. 24 of 2021 with almost similar allegations. Learned counsel for the petitioner further submits that in all the three F.I.Rs, no date or time were mentioned for the said occurrence. He further submits that there is no eyewitness of the alleged occurrence. He further submits that in one F.I.R. i.e. Mahila P.S. Case No 16 of 2021 police has found this case to be falsed and final report has been submitted. He also submits that this point is necessary to be taken care of, that the informant of the present case and other case (Annexure 1-2) are the dancers. He further submits that petitioner is in custody since 27.09.2021 and his antecedent is clean except the cases filed by these two dancers.

Learned counsel for the petitioner submits that the present case has been filed due to political rivalry as soon as he



declared in the public about contest for the post of Mukhiya, his enemy hatched conspiracy and on their instance the present case has been filed in which he is languishing in jail. He further submits that the petitioner himself is a man of family, he has his own wife and children and has a good reputation in the society.

Learned counsel for the State vehemently opposes the prayer for bail and submits that as per the allegation made in the F.I.R. of the present case there is specific and categorical allegation of repeated rape by the petitioner, not only by him rather on his instance by the other persons also. He further submits that for the allegation of rape the testimony of the victim is sufficient. Case diary was called for in this case and paragraph 3-4 as well as paragraph 54 supports the contention made in the F.I.R. Statement of the informant under Section 164 of Cr.P.C. is attached with the case diary in which the allegation made in the F.I.R. has been fully supported. The copy of medical report is also attached with the copy of the case diary.

Considering the facts and circumstances of this case and the submissions made above by the parties. I am not inclined to grant bail to the petitioner.

The Trial Court is directed to expedite the trial and conclude it within 6 months.



With this observation, the bail application is rejected.

(Dr. Anshuman, J.)

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