

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6223 of 2022

Arising Out of PS. Case No.-765 Year-2021 Thana- FATUA District- Patna

RAVI KUMAR SON OF JAGNARAYAN PASWAN Resident of Village -
Kolhar, P.s.- Fatuha, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 13669 of 2022

Arising Out of PS. Case No.-765 Year-2021 Thana- FATUA District- Patna

SANJAY SINGH Son of Late Laxmi Narayan Singh Resident of Village-
Lasgari Chak, P.S.- Fatuha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 6223 of 2022)

For the Petitioner/s : Mr.Sarvan Kumar

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

(In CRIMINAL MISCELLANEOUS No. 13669 of 2022)

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 10-08-2022 The learned counsel for the petitioners is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Both the petitions have been heard together as they arise
out of same police station case number and are being disposed of by
this common order.

Heard learned counsels for the petitioners and the State.



Petitioners seek regular bail in Fatuha P.S Case No. 765 of 2021 registered for the offence punishable under Section 376D of the Indian Penal Code.

Allegedly, petitioner- Ravi Kumar committed rape upon the victim and petitioner- Sanjay Singh touched the private part of the victim during that course and two other co-accused were also indulged in the alleged occurrence of gang rape.

The main submissions advanced by Sri Sarvan Kumar, the learned counsel appearing for the petitioner-Ravi Kumar are that FIR of this case was lodged against unknown persons, so-called victim made contradictory statements during investigation, the footage of CCTV camera installed near the place of occurrence was examined by the Investigating officer but at the relevant time of alleged occurrence at the alleged place of occurrence the presence of victim and accused persons was not found in the footage of CCTV camera which falsifies the alleged occurrence.

Mr. Arun Kumar, learned counsel for the petitioner-Sanjay Singh has submitted that against this petitioner, there is no allegation of rape and as per FIR, he simply touched the chest of the victim, his presence at the place of occurrence was not found as per footage of CCTV camera which was examined by the Investigating officer and petitioner's own son namely, Monu Kumar who was examined during investigation informed about the incident of alleged occurrence to the police which also shows *bonafide* intention on the



part of the petitioner as well as his son and also shows innocence of the petitioner.

Learned APP has opposed the prayer for bail.

Heard both sides, perused the FIR and case diary. The present case relates to gang rape committed by three persons with the victim and some others were also indulged in the alleged occurrence and during course of investigation, statement of the son of petitioner-Sanjay Singh was recorded which reveals that the victim was in injured condition at the place of occurrence and said petitioner's son informed the police about incident and para 26 of the case diary goes to show that petitioner- Ravi Kumar was identified by the victim, later on petitioner- Sanjay Singh was also identified by the victim. From perusal of the case diary, I find no reason for false implication of the petitioners by the informant as well as false lodging of the present case.

Considering these facts, this Court is not inclined to grant privilege of bail to the petitioners and accordingly, their prayer for bail is rejected.

(Shailendra Singh, J)

s.hassan/-

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