

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17493 of 2022

Arising Out of PS. Case No.-10 Year-2021 Thana- MAHILA P.S District- West Champaran

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BIRENDER KUMAR @ BIRENDRA KUMAR SON OF DHRUV SAGAR
PRASAD @ DHUP SAGAR MAHTO R/O VILLAGE- PATKHAULI, P.S.-
SHANICHARI, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. ANJALI DEVI WIFE OF BIRENDRA PRASAD R/O VILLAGE-
ARNAHAWA, P.S.- MAJHAULIA, P.O.- CHANAYAN BANDH,
DISTRICT- WEST CHAMPARAN

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s	:	Mr. Umesh Lal Verma, APP
For the Informant	:	Mr. Avinash Raj, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 3 23-12-2022 Heard learned counsel for the petitioner, learned APP

for the State and learned counsel for the informant through

video conferencing.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 376, 323, 420,
406, 354B, 379 and 120B of the Indian Penal Code.

As per the prosecution case, it is stated by the
informant that under the garb of getting her employment, the
accused petitioner established physical relations with her. It is
further stated that she got married in the year 2009. Even,



thereafter, he continued to visit her *Sasural* and once again committed rape on her on the pretext that he will get her employment in the *Aanganwari*.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case would be evident from the contents of the FIR itself wherein it would transpire that the relationships between two adults were consensual in nature and not as has been attempted to be made out. No medical examination of the informant took place. No offence under section 376 of the IPC is made out. The petitioner is in custody since 24.12.2021 and chargesheet has been submitted in the case.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that direct allegation has been made against the petitioner which is supported from the contents in the case diary.

Having heard learned counsel for the parties and taking into consideration the nature of allegation in the FIR of the petitioner having committed rape on the informant, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.



Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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