

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27064 of 2022

Arising Out of PS. Case No.-57 Year-2021 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Bablu Bind Son of Shiw Bind R/O- Vill-Matha Chak P.O.- Kudra, P.S.-
Kudra, Dist- Kaimur At Bhabhua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kislay, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 11-10-2022 Heard learned counsel appearing on behalf of the
petitioner 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 petitioner seeks bail in connection with Mahila
P.S. Case No. 57 of 2021 registered for the offence under
Sections 376 (D), 420, 323, 341 and 34 of the Indian Penal
Code and under Sections 66 (e) and 67 (A) (B) of the I.T. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.01.2022.

The allegation against the petitioner is to commit rape
upon informant/victim, along with other co-accused persons,
while she was with her boyfriend in isolated place.

Learned counsel appearing on behalf of the petitioner



submitted that the circumstances of the case suggesting allegation improbable. It is further submitted that as petitioner, along with other co-accused persons want informant/victim as not to involve in such relation and as informant/victim spotted by this petitioner in compromising position with her boyfriend, the present false case was lodged against this petitioner. While concluding the argument, it has been submitted that investigation has been completed, 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 victim specifically alleged this petitioner to commit rape upon her, along with other co-accused persons through her statement recorded under Section 164 of the Cr.P.C. It is further submitted that, as per medical report, victim received injury on both eyes, right cheek and on right side of neck with a finding that sexual intercourse cannot be ruled out.

Considering the facts and circumstances as mentioned above, as victim specifically alleged petitioner to commit rape upon her, which is in corroboration with medical/injury report, this Court is not inclined to grant bail to the petitioner, at present.



Accordingly, prayer of bail of the petitioner is rejected herewith.

The learned Trial Court is directed to proceed with the matter, by taking it on board, if required, on daily basis, so as trial may conclude within six months of receipt of this order.

Superintendent of Police, Bhabua is directed to produced the charge-sheeted witnesses, as and when directed by the learned Trial Court/Special Court, for expeditious disposal of trial, within specified time, as directed above.

(Chandra Shekhar Jha, J)

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