

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32133 of 2022**

Arising Out of PS. Case No.-42 Year-2014 Thana- MAHILA P.S. District- Samastipur

VIDYANAND RAI SON OF BAL GOVIND RAI Resident of Village-Simri
Chandra Sen, P.S.-Khanpur, District-Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Binod Kumar no.3

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

2 26-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Petitioner seeks regular bail in Mahila P.S. Case no.
42/2014 registered for the offences punishable under section
376G of the Indian Penal Code, section 6 of the POCSO Act.

As per allegation made in the FIR on the alleged date
and time of the occurrence, petitioner and co-accused forcibly
dragged the victim from her house and took the victim with the
help of co-accused persons to an isolated place where he and
other co-accused persons took turns to rape the victim, during
that course petitioner who was accomplice also raped the victim.

The main submissions advanced by Sri Arun Kumar,
the learned counsel for the petitioner are that allegation made in



the FIR is totally false, in fact, there was love affair between the informant and co-accused Deepak Rai and they were seen in the compromise position by the accused persons including the petitioner and thereafter present case was falsely lodged with an intention to shut the mouth of the petitioner and other accused persons and during the course of investigation, victim was medically examined and doctor concerned did not find any external or internal sexual injury on the private part of the said victim and no spermatozoa was found in the vaginal swab and the petitioner has been languishing in jail since 13.2.2022 and in the medical examination, victim's age has been assessed between 16 to 17 years and the present matter has been compromised and the informant has filed a petition in this regard before the court concerned.

Sri Binod Kumar no. 3, learned APP appearing for the State has opposed the prayer for bail.

Heard both sides, perused the FIR and medical examination of so-called victim. Present case relates to gang rape, as per allegation in the FIR, petitioner actively participated in the alleged crime and the order of the learned court below shows that at the time of submitting charge sheet, petitioner was absconding. Victim is stated to be minor girl and several persons



were involved in the alleged rape.

Considering these facts, in the opinion of this court, petitioner does not deserve privilege of bail and accordingly his prayer for bail stands rejected.

(Shailendra Singh, J)

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