

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44359 of 2021

Arising Out of PS. Case No.-9 Year-2021 Thana- MAHILA P.S. District- Bhojpur

RAMJEE SINGH S/o Late Mashudan Singh R/o Village- Dulamchak, P.S.-
Chauri, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr.Adv. Mr.Manoj Kumar
For the Opposite Party/s :		Mr.Damodar Prasad Tiwary Mr.Ravindra Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 24-03-2022 Heard learned counsel for the parties.

The petitioner seeks bail in a case registered for the offence under Sections 323, 342, 376(D), 456/34 of the Indian Penal Code and Section 6 of the POCSO Act.

As per the prosecution case, on 18.01.2021 at about 9:00 PM, while the victim was alone at her house, this petitioner alongwith other three other co-accused committed gang rape upon her. It is further alleged that all the accused persons confined the victim (informant) and her father and mother in their house for 5-7 days and did not allow them to come out and thereafter, offered money to shut their mouth. It is further alleged that on 24.01.2021, when the informant with her father went to police police to lodge an F.I.R., the SHO of the police



station did not register the case and when they returned to their house, the FIR named accused alongwith other 5-6 persons came at the house of informant and assaulted them with *lathi*, *danda* and rod, as a result of which, informant and her family members got injured and when the informant filed application before the S.P., Bhojpur, the present F.I.R. was registered.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case due to political rivalry. There is seven days delay in lodging the F.I.R. The doctor has not found any sign of recent sexual intercourse on the body of informant and petitioner is in custody since 27.01.2021.

However, learned counsel for the State and the informant have opposed the bail petition. Learned counsel for the informant submits that it is a case of 'gang rape' and the victim in her statement recorded under Section 164 Cr.P.C. has stated that the four accused persons, including this petitioner, raped and confined her to their house for 5-7 days and assaulted her and her family members. Other witnesses have also supported the prosecution case.

Considering the nature of allegation, the materials available on record as well as statement of the victim (informant) recorded under Section 164 Cr.P.C., I am not



inclined to grant bail to the petitioner and same is, accordingly,
rejected.

(Prabhat Kumar Singh, J)

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