

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43315 of 2022**

Arising Out of PS. Case No.-163 Year-2019 Thana- BABUBARHI District- Madhubani

Shiv Kumar Sahani Son Of Mahendra Sahni Resident Of Village - Nakatoli
Khazpur, P.S.- Babubarhi, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Miss. Kusum Rani, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

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

2 23-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Babubarhi P.S. Case No. 163 of 2019 registered for the offences
punishable under Sections 341, 323, 376, 504 and 34 of Indian
Penal Code.

As per the prosecution, the informant was raped by
this petitioner.



The main submissions advanced by the learned counsel Miss. Kusum Rani appearing for the petitioner are that the petitioner is a co-villager of the victim and there is a land dispute in between them, owing to which the petitioner has been falsely implicated in this case and he has been languishing in jail since 17.03.2022 and other co-accused persons have been granted bail by co-ordinate Benches of this Court. Further submission is that the Medical Board which examined the victim did not find any external or internal injury over or inside her body or her private parts, hence the allegation of sexual assault has been falsified by the said opinion of the Medical Board.

Learned APP Mr. Dilip Kumar No. 1 appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and order Impugned. As per the FIR the petitioner is stated to be the main accused in respect of the allegation of rape and according to the informant he forcibly established sexual relationship with the victim and the said allegation has been supported by the victim before the Judicial Magistrate in her statement recorded under Section 164 Cr.P.C. Considering the nature of the allegation appearing against the petitioner, in the opinion of this Court



petitioner does not deserve to the privilege of bail. Accordingly,
his bail prayer stands rejected.

(Shailendra Singh, J.)

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