

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44428 of 2022**

Arising Out of PS. Case No.-310 Year-2021 Thana- AURANGABAD TOWN District-
Aurangabad

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Dharmendra Sao @ Dharmendra Kumar S/o Awadhesh Sao @ Awadhesh Prasad R/o village- Kara, P.S.- Obra, District- Aurangabad, At present Renter of Briksh Yadav, P.S.- Aurangabad (Town), District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 08-12-2022 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 Aurangabad
Town P.S. Case No. 310 of 2021 registered for the offence under
Section 376 of the Indian Penal Code and under Section 67 of the I.T.
Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.03.2022.

The allegation against the petitioner is to commit rape
upon the informant/victim after administering some intoxicants
through **Prasad**.

Learned counsel appearing on behalf of the petitioner



submitted that the victim/informant is aged about 36 years whereas the petitioner is aged about 23 years and due to local disputes and differences, petitioner has been falsely implicated in present case. It is further submitted that on the bare perusal of F.I.R., it appears that victim was not in sense while rape was committed upon her and mere on the basis of suspicion, as victim felt some pain in her private part after gaining sense, the petitioner was implicated in present case, without having any further connecting evidence. It is also submitted that victim already examined before learned Trial Court where she completely denied the occurrence, as alleged through present F.I.R.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of accusation, where petitioner is in custody since 24.03.2022, let the petitioner, above named, is directed to be released on bail in connection with Aurangabad Town P.S. Case No. 310 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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