

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53945 of 2021

Arising Out of PS. Case No.-44 Year-2020 Thana- MAHILA P.S BAGHA District- West
Champaran

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Ratnesh Kumar Soni son of Radhey Shyam Soni, resident of village Harnatar
Bazar, P.S. Laukariya, District West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baxi S.R.P. Sinha, Senior Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 16-08-2022 Heard learned Senior Counsel for the petitioner and

learned counsel for the State.

Let the defect(s), if any, as pointed out by the office

be removed within four weeks.

The petitioner is in judicial custody in connection

with Bagaha Mahila P.S..Case NO. 44 of 2020 for the offences

under Section 76 of the Indian Penal Code and Section 341,

354(B)/34 of the Indian Penal Code.

As per the allegation in the FIR, the informant had

alleged that the petitioner always used to molest her as and

when he encountered her and on the fateful day, it is alleged that

after his children had left the place for coaching, he closed the

door and forcibly put her on the bed and committed rape. He has



further alleged that this incident was of 09.09.2020 which was repeated on 11.09.2020. As a result, the FIR was lodged on 15.09.2020.

Learned Senior Counsel for the petitioner submits that the informant was a lady of loose character and the house was frequented by everyone and as such, the allegation levelled against the petitioner is fit to be rejected. He has further taken to this Court's attention to paragraph-32 of the case diary which record the statement of the elder brother of the petitioner to show that the petitioner was at the house of the informant from where after quarreling and scolding him he was brought to his house.

Mr. Jitendra Kumar Singh, learned APP for the State, on the other hand, submits that there is specific allegation of rape against the petitioner and the same was repeated two days later which has come in the different paragraphs of the case diary and the lady in her re-statement has supported the allegation made in the FIR. He further submits that only after the police initiated process under Section 82 of the Cr.P.C. that the petitioner chose to come into the judicial custody.

Taking into account the gravity of allegation levelled against the petitioner, this Court for the present is not inclined to



grant him any relief to the petitioner which is accordingly
rejected

(Rajiv Roy, J)

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