

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55747 of 2021

Arising Out of PS. Case No.-15 Year-2021 Thana- MAHILA P.S. District- Banka

RISHI KUMAR S/o BHUPENDRA YADAV R/o VILLAGE-KAMALDIH,
P.S-BANKA, DISTRICT-BANKA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Adv.

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 10-05-2022

Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 376, 379 and 34 of the Indian Penal Code.

As per the prosecution case, the petitioner and two others are said to have committed rape on the informant.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case over a trivial dispute relating to mobile phone which would be evident from F.I.R. as also statement under section 164 Cr.P.C.. The narration in the F.I.R. and section 164 Cr.P.C. are at variance to each other. There is an inordinate delay of three days in lodging of the F.I.R. inspite of the Police Station being at a distance of 15 kilometers from the place of occurrence. The medical report



does not support the allegation in so far as no external injury was found. Even the neighbours did not hear any sound of screaming etc. The petitioner is in custody since 21.6.2021 and has no criminal antecedent.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the F.I.R. which has been supported by the informant in her statement under section 164 Cr.P.C., the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Liberty is granted to the petitioner to renew his prayer for bail after six months or after framing of charge, whichever is later.

(Partha Sarthy, J)

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