

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60033 of 2021

Arising Out of PS. Case No.-227 Year-2021 Thana- TURKAULIYA District- East
Champaran

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Raghib @ Ragib son of mazrul haque resident of village- kshmahwa, p.s.-
Dhaka, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Abhinay Raj
	:	Mr. Asif Kalim, Advocate
For the State	:	Mr. Chandra Sen Prasad Singh
For the Informant	:	Mr. Sunil Kumar No.3, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 23-06-2022 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 Turkaulia
P.S. Case No. 227 of 2021 registered for the offence under
Sections 363, 365, 328 and 376 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 27.03.2021.

The allegation against the petitioner is to kidnap and
rape upon the sister-in-law of the informant.



Learned counsel appearing on behalf of the petitioner submitted that the statement of victim, as recorded u/s 164 of Cr.P.C., appearing *prima facie* doubtful, for the reason that nothing has been stated about the occurrence of rape in her statement. It has also been submitted, being admitted position that petitioner and victim girl were acquainted with each other prior to the occurrence. While concluding the argument, it has also been submitted that the petitioner is man of clean antecedent and moreover, chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State duly assisted by learned counsel appearing on behalf of the informant submitted, while opposing the prayer of bail, that there is specific allegation of rape against the petitioner as per statement of the victim recorded u/s 164 of Cr.P.C. It has further been submitted that the act of petitioner is suggesting that from very inception, he was not intended to be act upon his promise of marriage with the victim.

Considering the facts and circumstances as mentioned above, as there is specific allegation of kidnapping and rape against the petitioner duly supported through statement of



victim recorded under Section 164 of Cr.P.C., this Court, at present, is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected herewith.

The petitioner is at liberty renew his prayer for bail, if the trial is not concluded within a period of three months, if so advised.

(Chandra Shekhar Jha, J)

Ankit/-

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