

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69405 of 2021

Arising Out of PS. Case No.-124 Year-2021 Thana- DHARHARA District- Munger

Bhutni Das @ Dharmendra Kumar, Son of Umesh Das Resident of Village -
Nimiya Tola (Sarobag), P.S.- Dharahra, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Kamal Nayan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 28-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with G.R. No. 1502 of 2021 arising out of Dharahra P.S. Case No. 124 of 2021 registered for the alleged offence under Section 376 of the Indian Penal Code.

As per prosecution case, the petitioner entered into the house of the informant by scaling the wall and put her down and committed rape with her.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this



case due to village politics, malice and grudge. There has been inordinate delay in lodging the F.I.R. for which there is no explanation. As alleged the occurrence took place on 14.06.2021 at 12 hours in broad day light but the instant case has been lodged only on 26.06.2021, that is after lapse of 12 days. This shows the doubtful character of prosecution case. Though the informant says she narrated the incident to her mother on the same day but even she did not take any steps. It also shows prosecution case is false and fabricated. Medical report does not support the prosecution case and also rules out rape as no injury has been found and the opinion has been given that rape on the said person could not be confirmed. Learned counsel further submits that on account of land dispute, some hot exchange took place between the parties and this false case has been lodged against the petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 02.07.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner has consistently supported the prosecution case in her statement recorded under Section 161 Cr.P.C. and in her statement recorded under Section 164 Cr.P.C., she specifically named this petitioner who came and raped her. Apart from that, other witnesses in paragraph 6 and 7



of the case diary have also supported the prosecution case. The mother of the informant used to sell Jamun (Blackberry) and the learned Judicial Magistrate also noted the demeanour of the victim that she was behaving in abnormal way and was mentally not in proper frame of mind. The informant has also stated the fact in her written report that she is handicapped. This makes the crime of the petitioner very heinous.

Perused the records.

Having regard to the facts and circumstances and considering the serious nature of allegation against the petitioner for committing rape with a physically challenged girl, I am not inclined to enlarge the petitioner on bail at this stage.

Hence, the prayer for bail is rejected.

However, the learned trial court is directed to expedite the trial and conclude the same within 9 months.

(Arun Kumar Jha, J)

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