

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2462 of 2023

Arising Out of PS. Case No.-239 Year-2021 Thana- KASHICHAK District- Nawada

=====

RUPESH KUMAR Son of Dilip Singh R/v- Birnawan, P.S.- Kashichak,
District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Arjun Prasad
For the Opposite Party/s :		Mr.Sanjay Kumar Pandey

=====

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 08-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for regular bail has been filed
by the petitioner in a case instituted for the offence punishable
under Sections 366(A)/34 of the Indian Penal Code.

It is a case of committing rape by the petitioner upon
the minor daughter, aged about 16 years, of the informant when
she was out of the house for natural call in connivance with six
other named accused person.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has been falsely implicated in this case due to dirty
village politics. Informant and father of the petitioner are full



brothers. Petitioner has got no criminal antecedent and he is languishing in judicial custody since 11.11.2022.

Learned APP appearing for the State has opposed the prayer of bail and submitted that statement of the victim girl was got recorded under Section 164 Cr.P.C., wherein she had stated that petitioner had committed rape upon her after tiding her hands, legs, eyes and mouth with her dupatta. During investigation, several witnesses have supported the prosecution case.

Having heard learned counsel for the parties and taking into consideration that there is direct allegation of committing rape against the petitioner upon the minor daughter of the informant, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

The trial court is directed to expedite and conclude the trial.

(Sunil Kumar Panwar, J)

sushma/-

U			
---	--	--	--

