

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12863 of 2023

Arising Out of PS. Case No.-1020 Year-2022 Thana- KHAGARIA District- Khagaria

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SANJEEV KUMAR SINGH S/O RAJENDRA PRASAD SINGH @ SAJJAN
SINGH R/v- Bhadas, P.S.- Mufassil, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priya Gupta, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-05-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with
Khagaria Mufassil P.S. Case No. 1020 of 2022 dated
27.09.2022 registered for the offence under Sections 450,
376, 323 and 342/34 of the Indian Penal Code.

The petitioner along with other two persons
entered in the house of the informant in the night and
committed rape upon the wife of the informant on the point
of gun after assaulting the informant. It is further alleged
that they have also tried to commit rape upon the daughter
of the informant but somehow she managed to escape away
from their confinement.



Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the allegation, as alleged in the F.I.R, is false and fabricated as no such occurrence has taken place. No offence as alleged in the F.I.R. has been committed by the petitioner. He further submits that there is no eye witness to the alleged occurrence. He further submits that the allegation of commission of rape upon the wife of the informant is attributed to the co-accused, Sugathiya. He further submits that the offence of commission of rape is not corroborated with the medical evidence as the doctor has not found any sign of rape on the person of the victim. Therefore, no case under Section 376 of the Indian Penal Code is made out against the petitioner. The petitioner is rotting in judicial custody since 06.11.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that it is apparent from the F.I.R. that the petitioner along with other two accused entered in the house of the informant in the night and assaulted the husband of the victim and she was put on gun point at the instance of the petitioner as a result of which co-



accused, who is companion of the petitioner, committed rape upon her. He further submits that the victim in her statement recorded under Section 164 Cr.P.C. has fully supported the allegation as alleged in the F.I.R. He further submits that so far as non-corroboration of allegation of rape with the medical evidence is concerned, it would be evident that the occurrence took place on 26.09.2022 and the victim has been medically examined after two days i.e. 28.09.2022, therefore, the doctor has opined that he has not found any evidence of emission of semen in the victim within 48 hours. Hence, the petitioner does not deserve to be enlarged on bail.

Considering the facts and circumstances of the case and the specific allegation of assault and the commission of rape on the point of gun, this Court is not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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