

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27221 of 2022

Arising Out of PS. Case No.-209 Year-2021 Thana- RAGHOPUR District- Vaishali

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UMESH RAI Son of Harwanshu Rai @ Harwansh Rai Resident of village -
Mallikpur, P.S.- Raghobpur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 24349 of 2022

Arising Out of PS. Case No.-209 Year-2021 Thana- RAGHOPUR District- Vaishali

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AMLESH RAI S/o- Harwanshu Rai @ Harwansh Rai Resident of village -
Mallikpur, P.S.- Raghobpur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 27221 of 2022)

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 24349 of 2022)

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 13-01-2023 Heard learned counsel for the parties through video
conferencing.

The two petitioners in the two applications have
prayed for grant of regular bail in a case registered under
sections 376, 341, 323, 354, 448 and 34 of the Indian Penal
Code.



As per the prosecution case, the informant states that while she was in the house with a 7 year old child, the accused Amlesh Rai assaulted her and started to undress her. At this stage his brother Umesh Rai came there, forced Amresh Rai to leave and Umesh Rai committed rape on her.

It is submitted by learned counsel for the petitioners that the petitioners who are brothers have been falsely implicated in the case. The medical report (Annexure-3) does not support the prosecution case. The lady has filed similar cases in the past. The petitioners are in custody since 22.10.2021 and investigation in the case has concluded.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the allegation of the petitioner Umesh Rai having committed rape on the informant, the Court is not inclined to enlarge the petitioner on bail and his application is rejected.

Taking into consideration the facts and circumstances of the case, the allegations in the FIR, the petitioner Amlesh Rai being in custody since 22.10.2021 and chargesheet having been submitted in the case, the petitioner in Cr. Misc. no. 24349 of 2022 is directed to be enlarged on bail in connection with



Raghopur P.S. Case no. 209 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Vaishali at Hajipur.

(Partha Sarthy, J)

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