

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43444 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- MAHILA PS District- Aurangabad

Ranjay Kumar S/O Laldev Mehta @ Laldev Mahato R/O Village- Dudhar,
P.S.- Risiyap, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 44100 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- MAHILA PS District- Aurangabad

PRINCE KUMAR Son of Late Lalbahadur Mehta @ Lal Bahadur Mahato
R/o village - Dudhar, P.S.- Risiyap, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 43444 of 2022)

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Binay Krishna

(In CRIMINAL MISCELLANEOUS No. 44100 of 2022)

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

8 30-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for bail in connection
with Mahila P.S. Case No. 18 of 2022 instituted for the offence
under Sections 376(A)(D), 504 and 34 of the Indian Penal Code,
Sections 3(i)(r) (s) w(i)(ii) 3(2) (Va) of the SC/ST Act and



Section 6 of the POCSO Act.

Allegation against the petitioners along with other co-accused person is that they committed rape of the informant forcefully when she along with her brother was returning home after attending marriage at night.

It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this present case due to rivalry between the parties. It is further submitted that there is delay of 12 days in lodging the FIR without any plausible explanation. It is also submitted that medical report of the victim(informant) does not support the prosecution version. A statement has been made in para-3 of this petition that the petitioners have got no criminal antecedent. Further, learned counsel on behalf of the petitioner, namely, Prince Kumar, that he was not present at the place of occurrence which is mentioned in para-5 of supplementary affidavit of his petition. Moreover, they are languishing in judicial custody since 10.06.2022.

Learned APP appearing for the state has vehemently opposed the prayer of regular bail and submitted that the petitioners are named in FIR and informant(victim) herself who is minor, lodged this against the petitioners along with co-



accused and also stated in her statement recorded under Section 164 and 161 of the Cr.P.C., about the complicity of the petitioners along with co-accused person that they forcefully committed rape with her. It is also submitted that during investigation, victim and witnesses supported the prosecution case.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioners on bail and, as such, their prayer for bail stands rejected.

The trial court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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