

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44255 of 2023**

Arising Out of PS. Case No.-54 Year-2022 Thana- MAHILA PS District- Gaya

Ram Babu Manjhi, S/O Late Karu Manjhi, R/O-Surya Pokhar Manpur, P.S-
Mufassil, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No. 2, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

2 25-07-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Mahila P.S. Case No. 54 of 2022 dated 05.07.2022
registered for the offence punishable under Section 376(D)
of the Indian Penal Code.

3. As per the prosecution, the informant alleged
that this petitioner along with two other co-accused persons
forcibly committed rape with her when she was running on
a high bridge in the early morning.

4. The main submissions advanced by learned
counsel for the petitioner are that the medical evidence does
not support the allegations levelled by the victim in her
written FIR and the victim's age is 22 years and she made



false allegations in the FIR and according to medical expert's opinion, her *hymen* was found to be intact and no bleeding and laceration was found by the Doctor concerned in her private part. During investigation, the police did not find any incriminating material from the alleged place of occurrence and thereafter, the informant herself filed a petition before the Investigating Officer as well as the Court concerned denying the commission of the alleged occurrence and the petitioner has been languishing in jail since 30.01.2023 and the alleged offence of Section 376(D) of IPC is not made out.

5. Learned APP appearing for the State has opposed the bail prayer.

6. Heard both the sides and perused the FIR and order impugned. The instant matter relates to rape which was allegedly committed by this petitioner and accused persons in a very planned manner and the medical expert's opinion is completely doubtful and the petitioner has criminal antecedents of 12 cases and I find no material for falsely lodging the present case by the informant against this petitioner who has criminal antecedents of so many



cases, hence in my opinion it is not a fit case for bail to the petitioner. Accordingly, his bail prayer stands rejected.

(Shailendra Singh, J)

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