

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48634 of 2023

Arising Out of PS. Case No.-548 Year-2022 Thana- BAKHTIYARPUR District- Patna

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UMA SHANKAR KUMAR @ UMA SHANKAR YADAV S/O BIDDHI RAI
@ VIDYANAND RAI R/O VILLAGE- CHAMPAPUR, PS.
BAKHTIYARPUR, DIST. PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 11-10-2023

1. Heard learned counsel for the parties.

2. The petitioner has filed the instant application for grant of regular bail in connection with Bakhtiyarpur P.S. Case no. 548 of 2022 registered under sections 376 and 448 of the Indian Penal Code.

3. As per the prosecution case, the informant states that on returning home she was informed by her daughter who was crying that she had been raped by this petitioner.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case because of land dispute between the parties who are neighbours. Neither the medical report supports the prosecution case nor any independent witness has been examined by the



Investigating Officer. The petitioner is in custody since 7.11.2022 and investigation in the case has concluded.

5. The application for bail is opposed by learned A.P.P. for the State who submits that besides the petitioner having three criminal antecedents, as per the content of paragraph no.32 of the case diary the victim is a minor.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the F.I.R., the contents of the material that has transpired in course of investigation including the victim having supported the prosecution case of rape against this petitioner in her statement under section 161 as also under section 164 Cr.P.C. in course of investigation, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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