

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49494 of 2022

Arising Out of PS. Case No.-366 Year-2021 Thana- KHAIRA District- Saran

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1. Babu Ali Son Of Ashraf Ali Resident Of Village - Naghra, P.S.- Khaira (Nagra O.P.), District - Saran.
 2. Kaisar Ali Son of Mostakim Miya Resident of village - Naghra, P.S.- Khaira (Nagra O.P.), District - Saran.
 3. Anwar Ali @ Sonu Son of Nayeem Miya @ Md. Naem Hawari Resident of village - Naghra, P.S.- Khaira (Nagra O.P.), District - Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saba Praveen Daughter of Jummadin Resident of village - Nagra, P.S.- Khaira (Nagra O.P.), District - Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Neeraj Kumar Alias Sanidh
For the Informant/s	:	Mr. Ranvijay Kumar
For the State	:	Ms.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 07-04-2023 Heard learned counsel for the petitioners, informant and learned A.P.P appearing on behalf of the State.

The petitioners are languishing in custody in a case registered for the offences punishable under Sections 376((A)(D), 506/34 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

It is alleged by the petitioners that they gang-raped the victim and thereafter threatened of dire



consequences, if she disclosed the incidence to anybody else.

It is submitted by learned counsel for the petitioners that petitioners are innocent and they have falsely been implicated in this case. For the alleged occurrence of 18.10.2021, the F.I.R was registered on 22.10.2021 without explaining the delay. The victim was medically examined on 23.10.2021 where no sign of recent sexual intercourse was found by the doctor. Moreover, in the F.I.R, the informant alleged that on the alleged date of occurrence, she alone went to attend the call of nature when she was gang-raped by the petitioners but in her 164 Cr.P.C statement, she has stated that on the fateful day, she went along with her cousin sister which raised suspicion about the authenticity of the prosecution version. The petitioners are languishing in custody since 08.06.2022. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.



Learned counsel appearing on behalf of the informant and learned A.P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the petitioners and submitted that the specific accusation of committing rape is against the petitioners and the victim in her 164 Cr.P.C statement has also specifically alleged against the petitioners that they forcefully committed rape upon her.

Considering the fact that there is specific accusation against the petitioners, this Court is not inclined to grant bail to the petitioners.

The prayer for grant of bail to the petitioners stands rejected.

The Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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