

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50733 of 2023

Arising Out of PS. Case No.-188 Year-2021 Thana- FATEHPUR District- Gaya

MUNARIKA TURIYA @ MUNDRIKA TURIYA Son of Arjun Turiya
Resident of Village - Harakuraha, P.S. - Fatehpur, Distt. - Gaya (Bihar)
... .. Petitioner/s

Versus

1. The State of Bihar
2. Meena Devi Wife of Vindeshwar Turiya Resident of Village - Harakuraha,
P.S. - Fatehpur, Distt. - Gaya (Bihar)
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alka Singh, Adv.
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Fatehpur
P.S. Case No. 188 of 2021 registered for the offence under
Sections 376(AB), and 376(D) of the Indian Penal Code.

The petitioner along with others are alleged to have
committed rape upon minor daughter of the informant.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
on bare perusal of the F.I.R., it appears that the occurrence is
alleged to have been committed on 21.05.2021 whereas the
instant F.I.R. has been lodged on 09.06.2021 after delay of 18
days without any explanation. He further submits that it has
come during the investigation that the victim was having love



affair with the petitioner and she herself gone with the petitioner and petitioner has not committed any wrong as alleged in the F.I.R. The petitioner is rotting in judicial custody since 08.04.2023.

Learned A.P.P. for the State on the other hand on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the statement of victim has been recorded under Section 164 Cr.P.C. in which she categorically stated that the petitioner along with other accused persons committed rape upon her. He further submits that the date of birth of the victim is recorded as 20.09.2019 in paragraph-55 of the case diary which suggest that victim was minor at the time of occurrence.

Considering the facts and circumstances of the case and the rival submission of the parties and the nature of offence and allegation and also the age of the victim, who is minor at the time of occurrence, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

brajesh/-

U		T	
---	--	---	--

