

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51836 of 2022

Arising Out of PS. Case No.-32 Year-2022 Thana- UPHARA District- Aurangabad

1. DINESH KUMAR S/o Mahendra Chandravanshi R/o village- Hamidnagar, P.S.- Uphara, District- Aurangabad
2. ASHOK KUMAR S/o Sarayug Saw R/o village- Hamidnagar, P.S.- Uphara, District- Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 14-02-2023 Let the defect(s), if any, pointed out by the office

be removed within three weeks from the date of this order,

failing which the matter be listed again under the appropriate

heading for necessary action.

Heard learned counsel for the petitioners and the

learned APP for the State.

Petitioners seek regular bail in connection with

Uphara P.S. Case No. 32 of 2022 registered for the offences

punishable under Sections 341, 323, 376(D), 506 and 34 of the

Indian Penal Code.

As per the prosecution, the informant alleged that

these petitioners dragged her to the alleged place and committed

rape on her simultaneously and also threatened to kill her.

The main submissions advanced by the learned



counsel Mr. Anuj Kumar for the petitioners are that during the investigation, the victim denied for medical examination and accordingly she attempted to conceal the main evidence of the alleged offence of rape and from this conduct of the victim it can be deemed that there was something wrong which was suppressed by the victim herself. Further submission is that during the investigation both the petitioners were found at their home and the said conduct of the petitioners goes in their favour.

Learned APP Mr. Satyendra Narayan Singh appearing for the State has opposed the bail prayer and submitted that the victim has supported the allegation of rape made by her in the FIR in her statement recorded under Section 164 Cr.P.C.

Having considered the seriousness of the allegation of rape made by the victim against both the petitioners in the FIR which has been supported by her in her statement recorded under Section 164 Cr.P.C., though the victim denied for medical examination but merely by this fact the innocency of both the petitioners cannot be presumed and the petitioners' counsel has not satisfied this Court about the reason of false implication of these petitioners by informant, in the opinion of this Court the petitioners do not deserve to the privilege of bail. Accordingly,



their bail prayer stands rejected.

(Shailendra Singh, J)

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