

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52507 of 2022

Arising Out of PS. Case No.-121 Year-2022 Thana- KALYANPUR District- Samastipur

RAJESH KUMAR S/o Sibbo Sah R/o- Birsingpur Ward No. 01, P.S.-
Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar

For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 08-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with
Kalyanpur P.S. Case no. 121 of 2022 instituted for the offence
under Sections 376 and 504 of the Indian Penal Code.

As per allegation in the FIR, while the informant was
sleeping in her house, petitioner entered into her house and
taken her to nearby maize field and committed rape upon her. It
is further alleged that petitioner threatened the informant of dire
consequences if she disclose the matter to any one.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case due to
previous enmity. With a view to digest the borrowed amount,
which was taken by the informant from the petitioner, she has



lodged this case with concocted story. A medical board, comprising of four doctors was constitute to examine the victim lady, which opined that there is no sigh of sexual assault. Petitioner is languishing in judicial custody since 11.04.2022.

Learned APP appearing for the State has opposed the prayer of Bail and submitted that victim has supported the prosecution story in her statement recorded u/s 164 Cr.P.C. She has made direct allegation of rape against the petitioner.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

(Sunil Kumar Panwar, J)

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