

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61062 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- SAHODARA District- West Champaran

Aashish Kumar Son Of Ram Narayan Mahto @ Ramayan Mahto Village-
Rupauliya Ps- Gaunaha Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 70209 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- SAHODARA District- West Champaran

Rabindra Patwari Son Of Late Pitambar Patwari Village- Ekami Balua Po-
Belsandi Ps- Ganaha Dist- W.Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 61062 of 2023)

For the Petitioner/s : Mr.Ashok Kumar Gupta

For the Opposite Party/s : Mr.Md. Ataur Rahman

(In CRIMINAL MISCELLANEOUS No. 70209 of 2023)

For the Petitioner/s : Mr.Prashant Kumar

For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel for the informant.

The petitioners have prayed for grant of bail in
connection with Sahaodra P.S. Case No. 30 of 2023 registered
under section 376D of the Indian Penal Code.

Allegation against the petitioner No.1, namely, Ashish



Kumar is that he committed rape and one other co-accused person also committed rape with her. It is further alleged against the petitioner No.2, namely, Rabindra Patwari is that he also involved in this case.

Learned counsel for the petitioners submits that the petitioner are innocent and have committed no offence. They have falsely been implicated in this case. Medical report of the victim did not support the prosecution version. A statement has been made in para-3 of these petitions that the petitioner have got no criminal antecedent. Moreover, they are languishing in judicial custody since 02.03.2023 and 19.07.2023 respectively.

The application for bail is opposed by learned APP for the State and learned counsel for the informant and submitted that there is specific allegation against the petitioner No.1, namely, Ashish Kumar to commit rape with the victim. Victim also stated in her statement recorded under Section 164 of the Cr.P.C. is that this petitioner along with one co-accused person committed rape with her.

Having heard learned counsel for the parties and considering the gravity of the offence, this Court is not inclined to enlarge the petitioner No.1, namely, Ashish Kumar on bail, and, as such, his prayer for bail stands rejected.



The trial court is directed to expedite the trial and conclude the same as soon as possible.

So far as Petitioner No.2, namely, **Rabindra Patwari** is concerned, there is no any specific overt act of commission of rape with the victim and also he is not named in FIR, only on the basis of confessional statement of one co-accused, namely, Dharmendra Mahto, he has been dragged in this case. Nothing consistent material has come against him.

Considering the aforesaid facts of this case **as well as custody of the petitioner No.2, namely, Rabindra Patwari**, this court is inclined to enlarge him on bail. The above named petitioner is directed to be released on bail in connection with Sahodra P.S. Case No. 30 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Bettiah, West Champaran.

(Sunil Kumar Panwar, J)

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