

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61100 of 2022

Arising Out of PS. Case No.-33 Year-2022 Thana- MAHILA PS District- Buxar

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Ajay Gupta @ Tantrik Ajay Gupta Son Of Banarshi Gupta R/O Village-
Rajpur, P.S.- Rajpur, District- Buxar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shree Kant Pandey

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 11-07-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a

case registered for the offences punishable under

Sections 376(D), 323, 120(B)/34 of the Indian Penal

Code and Section 4 of the POCSO Act.

It is alleged against the petitioner that he

committed rape upon the informants who are own sisters

and minor and continued the same for a long time with

the help of their own parents.

It is submitted by learned counsel for the

petitioner that petitioner is innocent and he has falsely



been implicated in this case. As per F.I.R, the occurrence started from the year 2012, but F.I.R was instituted on 18.05.2022 without explaining the delay. There is no medical report to corroborate the case of the prosecution nor any independent witness has supported the case of prosecution. The petitioner is languishing in custody since 18.05.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner and submitted that the specific accusation of committing wrong is against the petitioner and the victims in their 164 Cr.P.C statements which is recorded in para 80 of the case diary have also specifically alleged against the petitioner that he forcefully committed rape upon them and continued the same for long time.

Considering the fact that thrust of accusation is against the petitioner, this Court is not inclined to grant bail to the petitioner.



The prayer for grant of bail to the petitioner 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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