

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67265 of 2022**

Arising Out of PS. Case No.-72 Year-2020 Thana- MAHILA P.S. District- Araria

NAVIN SAH @ NILE SAH @ NAVIN KUMAR SAH SON OF ASHOK
SAH @ ASHOK PRASAD SAH R/O VILLAGE- BASMATIYA, WARD
NO.02, P.S.- BASMATIYA O.P. (NARPATGANJ), DISTRICT- ARARIA

... .. Petitioner/s

Versus

1. The State of Bihar
2. MALA DEVI WIFE OF LATE MUKESH GOSWAMI R/O VILLAGE-
BASMATIA, WARD NO.2, P.S.- NARPATGANJ, DISTRICT- ARARIA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Jha, Adv.
For the Opposite Party/s : Mr. Raj Kishor Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 27-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
27.08.2022 in connection with Araria (Mahila) P.S. Case No.
72/2020, F.I.R. dated 14.08.2020, for the offences punishable
under Sections 376, 313, 448 and 34 of the Indian Penal Code.

According to prosecution case, the petitioner is alleged
to have committed rape upon the informant on the false
assurance of marriage and also causing miscarriage of
pregnancy of the informant by administering pills forcibly.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated. In fact, the petitioner was in love with the victim and the petitioner has not committed any offence as alleged in the F.I.R.

Learned Additional Public Prosecutor 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 victim girl was recovered and her statement under Section 164 of the Cr.P.C. was recorded, in which, she has categorically stated that the petitioner has committed rape upon her and the medical report of the victim also supports the allegation as alleged in the F.I.R. and the statement of the victim recorded under Section 164 of the Cr.P.C.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Araria (Mahila) P.S. Case No. 72/2020, pending in the court of learned S.D.J.M., Araria.

Prayer is refused.

(Rajesh Kumar Verma, J)

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