

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66301 of 2022

Arising Out of PS. Case No.-577 Year-2022 Thana- GANDHIMAIDAN District- Patna

RAVI SHANKAR DUBEY S/O Late Baban Dubey R/O Village- Chanki, P.S- Sabaur Karamchak, District- Kaimur at Bhabhua, At present Manu Bhusan Niwas Behind R.B.I, Salimpur Ahra, P.S- Gandhi Maidan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate Mr.Kumar Rajdeep, Adv. Mr. Arvind Kumar, Adv.
For the Opposite Party/s :		Mr. Ram Sumiran Rai, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-04-2023 Heard, Mr. N.K. Agarwal, learned senior counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Gandhi Maidan P.S. Case No. 577 of 2022 dated 30.08.2022 registered for the offence under Sections 376 of the Indian Penal Code.

The petitioner is alleged to have committed rape upon the victim-informant. It is also alleged that the victim was trapped by the co-accused, Upendkra Kumar Yadav and placed before the petitioner in a room where she is subjected to rape.

Learned senior counsel appearing for the



petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that the petitioner happens to be physically disabled and on account of that he got employment in the Punjab National Bank under disable persons quota. He further submits that no such occurrence as alleged in the F.I.R. ever took place as such entire allegation as alleged in the F.I.R. is false and fabricated. He further submits that the petitioner has been made accused in this case at the instance of the co-accused, Upendra Kumar Yadav. He further submits that the petitioner has not committed any overt act upon the victim. The petitioner is rotting in judicial custody since 31.08.2022.

Learned A.P.P. for the State on the other hand vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim, who is a blind lady, has been recorded under Section 164 Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her. He further submits that the allegation as alleged in the F.I.R. strongly corroborates with the statement of the victim. As such, the petitioner does not deserve to be enlarged on bail.



Considering the facts and circumstances of the case, this Court is not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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