

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13639 of 2024

Arising Out of PS. Case No.-56 Year-2023 Thana- BHITAHA District- West Champaran

BADAR @ KYAMUDDIN @ KYAMUDDIN MIAN S/O LATE BHOOLAN
SAHEB R/O VILLAGE- DHUNIYA PATTI, P.S- BHITAHA, DISTT.-WEST
CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithvi Nath Mishra, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 03-05-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Bhitaha P.S. Case no.56 of 2023 registered under sections 376D, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and one another accused are said to have committed rape on the informant.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. No such occurrence has taken place. It is for this reason that although the occurrence is said to have taken place on 8.4.2023, the alleged victim disclosed the same to the members of the family on the



next date ie 9.4.2023. An F.I.R. was lodged almost 29 hours later although the police station is only at a distance of 2.5 kilometers from the alleged place of occurrence. The medical report does not support the prosecution case. The petitioner is in custody since 11.4.2023 and undertakes to cooperate in the trial. He has no criminal antecedent.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation of rape against the petitioner in the F.I.R. together with the victim having supported the allegation in her statement under section 164 Cr.P.C., the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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