

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47084 of 2024

Arising Out of PS. Case No.-126 Year-2024 Thana- BIHPUR District- Bhagalpur

Md. Dilwar Baitha Son of Md. Makbul Baitha Resident of Village - Karharu,
P.S.- Bihpur, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 10-07-2024 Heard the learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks regular bail in the present case registered for the offence under Sections 341, 342, 376/34 of the Indian Penal Code.

3. As per the prosecution case, petitioner is alleged to have committed rape with the victim.

4. Learned counsel for the petitioner submits that the petitioner and the victim were known to each other from before and they were having telephonic conversations from before and this is not a case of rape but is a case of consensual sex. Petitioner is in jail since 15.03.2024 and has clean antecedent.

5. Learned APP for the State has vehemently



opposed the prayer for bail and has submitted that there is specific allegation against the petitioner of committing rape with the victim. The victim in her statement recorded under Section 164 of the Cr.P.C., has supported the crime.

6. Considering the facts and circumstances of the case and the statement of the victim girl recorded under Section 164 of the Cr.P.C., I am not inclined to grant bail to the petitioner.

7. Accordingly, this application for regular bail is hereby rejected.

(Sandeep Kumar, J)

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