

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50835 of 2024

Arising Out of PS. Case No.-48 Year-2024 Thana- BARHARA District- Bhojpur

Dilip Bind Son of Sri Bind @ Shree Choudhary R/O Vill.- Sohra, P.s.-
Krishnagarh, Dist.- Bhojpur at Ara.

... .. Petitioner/s

Versus

The State Of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parwej Khan
For the Opposite Party/s : Mr.Anil Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioner as well as

learned APP for the State.

2. In this case, the petitioner is seeking regular bail
in connection with Barhara P.S. Case No. 48 of 2024, registered
for the offences punishable under Section 376 (D) of the IPC.

3. The prosecution case in brief is that on
26.01.2024 at 7.00 pm, brother-in-law of the informant namely
Dhanji Prasad had come to her village with his friend Dilip Bind
(petitioner). On the same day, she had gone to defecate in the
evening and on the way, she met her brother-in-law, who had
come with the petitioner. Her brother-in-law told her to come
with him but she refused. Thereafter, both of them forcibly
made her sit on the motorcycle by gagging her mouth and took



her to the oilseed field in another village namely Sirisiyo and they raped her throughout the night. Further, both of them left her at the dam in the morning and fled away.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. He has submitted further that though the petitioner is named in the FIR but from perusal of statement of the victim under Section 164 of the Cr.P.C., it appears that she failed to recall the name of this petitioner. The victim, in her statement under Section 164 of the Cr.P.C. has categorically stated that co-accused Dhanji Prasad, who is *Jeeja* (brother-in-law) and one other co-accused person were also involved in her kidnapping.

5. Considering the facts and circumstances of the case and in view of the heinous nature of allegation levelled against the petitioner, I am not inclined to grant the petitioner the privilege of bail which is hereby rejected.

(Nawneet Kumar Pandey, J)

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