

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54837 of 2024

Arising Out of PS. Case No.-47 Year-2023 Thana- GARHI District- Jamui

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1. GUDDU NAIYAN @ GUDDU NAIYA SON OF LATE TETAR NAIYAN @ TETAR NAIYA RESIDENT OF VILLAGE - BARMASIYA, P.S. - GARHI, DISTRICT - JAMUI
 2. DINESH NAIYAN @ DINESH KUMAR @ DINESH NAIYA SON OF LATE TETAR NAIYAN @ TETAR NAIYA RESIDENT OF VILLAGE - BARMASIYA, P.S. - GARHI, DISTRICT - JAMUI

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar, Advocate
For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 01-10-2024 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend their arrest in connection with Garhi P.S. Case No. 47 of 2023 registered for the offence punishable under sections 323, 452, 307, 379, 427, 376, 511 and 354(B) of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution story, the allegation against the petitioners is that they forcibly entered in the room and committed rape upon the victim and thereafter, assaulted with 'axe' as a result of which, the informant sustained injury.

4. Learned counsel for the petitioners submits that



the petitioners have falsely been implicated in the present case. The FIR has been lodged after lapse of one month and the informant has not been examined till date. It is further submitted that there is no injury report on the record to substantiate the prosecution case and the petitioner has no criminal antecedent.

5. Learned counsel for the State submits that there is sufficient material in the case diary to implicate the petitioner in the present case. Further submits that the petitioners after committed rape assaulted the informant with ‘axe’.

6. Considering the nature of accusation as levelled against the petitioners, prayer for bail of the petitioners is rejected.

(Prabhat Kumar Singh, J)

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