

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52836 of 2024

Arising Out of PS. Case No.-77 Year-2018 Thana- SASARAM RAIL P.S. District- Gaya

1. Manoj Gond Son Of Kashinath Gond, Resident Of Village - Tribhuwani, P.S. - Krishna Gardh, District - Bhojpur (Bihar).
2. Raju Gond Son Of Kashinath Gond, Resident Of Village - Tribhuwani, P.S. - Krishna Gardh, District - Bhojpur (Bihar).
3. Pintu Gond @ Pintu Kumar Gond Son Of Kashinath Gond, Resident Of Village - Tribhuwani, P.S. - Krishna Gardh, District - Bhojpur (Bihar).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Mrityunjay Jha, Advocate
For the Opposite Party : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 25-10-2024 Heard Mr. Mrityunjay Jha, the learned counsel for
the petitioners and Mr. Nitya Nand Tiwary, the learned
Additional Public Prosecutor for the State.

2. Petitioners seek regular bail, who are in custody
since 22.05.2024, in connection with Railway Patna-Sasaram
P.S. Case No. 77 of 2018, FIR dated 20.07.2018, registered for
the offence punishable under Section 366 of the Indian Penal
Code.

3. According to the prosecution case, informant's wife
and daughter boarded train for Delhi from Sasaram Railway
Station and she informed the same to informant. However, on



the very next day she went traceless.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that petitioners have no concern at all with the alleged occurrence and from perusal of the FIR it appears that the main allegation is levelled against the co-accused person namely, Birender Gond and the petitioners are co-villagers of the said Birender Gond and they have falsely been implicated in the present case.

5. The learned Additional Public Prosecutor for the State on the other hand on the basis of materials available on record and case diary has vehemently opposed the prayer for bail of the petitioners and submits that in the statement of victim recorded under Section 164 of the Cr.P.C., as mentioned in the paragraph no. 65 of the case dairy, she has clearly stated that petitioners namely, Manoj Gond, Raju Gond and Pintu Gond @ Pintu Kumar have also committed rape upon her.

6. Considering the aforesaid facts and circumstances as well as the statement of victim recorded under Section 164 of



the Cr.P.C., I am **not** inclined to enlarge the petitioners on bail in connection with Railway Patna-Sasaram P.S. Case No. 77 of 2018, pending in the Court of learned Railway Magistrate, Gaya.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Shahnawaz/-

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