

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61006 of 2023

Arising Out of PS. Case No.-94 Year-2023 Thana- BARIYARPUR District- Munger

DIWAKAR KUMAR @ MEJOR S/o- LATE JOGAN YADAV village-
Tulsipur Ps- Bariyarpur Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arpana Kumari

For the Opposite Party/s : Mr.Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

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

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Section 376 of the IPC.

3. The allegation against the petitioner is of
committing rape upon the informant.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. He submitted that there is a contradiction
between the prosecution case and the statement of the victim,
which has been recorded under Section 164 of the Cr.P.C. He
further submitted that the Medical report of the victim has also
not corroborated the prosecution case. Petitioner is languishing
in judicial custody since 11.06.2023.



5. Learned APP for the State has opposed the application for bail and submitted that petitioner is named in the FIR. He submitted that the victim girl specifically stated in her statements recorded under Section 161 and 164 of the Cr.P.C. that this petitioner committed rape upon her forcefully, which corroborates the prosecution case. During investigation several witnesses have also supported the prosecution case.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The trial Court is directed to conclude the trial expeditiously.

(Sunil Kumar Panwar, J)

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