

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62863 of 2024

Arising Out of PS. Case No.-64 Year-2024 Thana- BAHERI District- Darbhanga

LAXMI SADA S/o- LAL BACHAN SADA Village- Sundarban Dhanauli Ps-
Baheri Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha, Adv.
For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-11-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Baheri P.S. Case No. 64 of 2024 registered
for the offence punishable under Section 376 of the Indian Penal
Code.

3. Based upon the written report, the prosecution
alleges that on 06.03.2024 while the informant went to attend
the marriage ceremony to the house of her neighbor, in the
meantime, the petitioner came to the informant’s house and
forcibly taken away her daughter and committed rape upon her.
It is also alleged that the matter has been brought before the
Panchayat, but the petitioner did not agree with the terms of the
Panchayat, thereupon the FIR has been instituted after a delay of

five days.

4. Learned Advocate for the petitioner contended that had the alleged occurrence really took place in the manner as has been stated in the written report, there was no reason and occasion to institute the FIR, after a delay of five days. The informant was medically examined by the doctors at DMCH, however, no sign of rape has been found. It is further contended that the victim is a major girl aged about 18-19 year old and it is very difficult to accept the allegation that she has not made any hue and cry when she was being forcibly taken away. It is next contended that the petitioner is a married person having three children and only on account of some village dispute his name has been implicated in this case. Now, the petitioner has been incarcerated since 12.03.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that apart from the specific allegation leveled in the FIR, the statement of the victim was recorded under Section 164 of the Cr.P.C., wherein, she categorically stated that it is the petitioner who has committed rape upon her by tying her hands and legs.

6. Regard being had to the submissions made on behalf of the parties and considering the specific nature of

allegation of commission of rape, this Court is not acceded to the prayer of the petitioner for bail. The prayer for bail stands rejected. The petitioner shall be at liberty to renew his prayer for bail after framing of the charge.

(Harish Kumar, J.)

Jyoti Kumari/-

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