

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71007 of 2024

Arising Out of PS. Case No.-22 Year-2021 Thana- BATHNAHA District- Sitamarhi

Abhishek Kumar S/o- Hari Kishore Chaudhary @ Bhikhari Chaudhary
Resident of Village- Vishunpur Gonahi W.No-4, P S- Sonbarsha District-
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar @ Vijay Kr. Singh, Advocate
For the Opposite Party/s	:	Mr. Awadhesh Kumar Singh, APP
For the Informant	:	Mr. Ramakant Akela, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 20-11-2024 Heard learned counsel for the petitioner and learned APP

for the State as also learned counsel for the Informant. Perused

the case diary.

2. The petitioner seeks bail in connection with

Bathnaha P.S. Case No. 22 of 2021 instituted for the offence

under Sections 366, 376 & 34 of the Indian Penal Code.

3. Prosecution case in short is that petitioner has

committed rape upon the informant after forcibly taking her to a

room.

4. It has been submitted on behalf of the petitioner

that the petitioner is in custody since 20-08-2024. Petitioner is a

man of clean antecedent.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that petitioner has neither kidnapped the informant nor committed rape upon her and the instant case is only filed with a view to compel the petitioner and his family members to marry the informant with the petitioner. After perusal of the medical board report, it is crystal clear that there is no external or internal injury found on the body of the victim and the opinion of board clearly suggest that it is very difficult to say whether rape has occurred or not.

6. Learned A.P.P. for the State and learned counsel for the Informant have vehemently opposed the prayer for grant of bail to the petitioner. Referring to statement of the victim recorded under Section 164 of the Cr.P.C. it is submitted that victim has supported the prosecution case and there is serious allegation levelled against the petitioner.

7. Considering the aforesaid facts and circumstances of the case, nature and gravity of the offence and taking into account the materials available in the case diary, this Court, for the present, is not inclined to grant bail to the petitioner. Prayer is *rejected*.

8. The Trial Court is directed to expedite the trial as



expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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