

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71821 of 2023

Arising Out of PS. Case No.-229 Year-2023 Thana- MINAPUR District- Muzaffarpur

1. Sudama Devi W/o Bhagyanarayan Ray R/o village- Mothahan Fakirana, P.S.- Minapur, District- Muzaffarpur
2. Dhiraj Rai @ Dhiraj Kumar S/o Chandeshwar Ray R/o village- Mothahan Fakirana, P.S.- Minapur, District- Muzaffarpur
3. Sujit Rai @ Sujit Kumar S/o Jhpsi Ray R/o village- Mothahan Fakirana, P.S.- Minapur, District- Muzaffarpur
4. Sudhir Rai @ Sudhir Kumar S/o Devendra Ray R/o village- Mothahan Fakirana, P.S.- Minapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 27-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Minapur P.S. Case No. 229 of 2023 dated 09.06.2023 instituted for the offence punishable under Sections 376, 120(B), 506/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on 07.06.2023 at 6 pm, petitioner no. 1, namely, Sudama Devi, took the informant to her house and gave her tea mixed with some intoxicated substances. After taking tea, the informant became unconscious. When she got consciousness, she found herself disrobed and blood was oozing



from her private part, and also her clothes were smeared with blood. It is alleged that petitioner nos. 2, 3 and 4, with the help of petitioner no. 1, have committed sexual assault with the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that the date of occurrence is 07.06.2023, but the F.I.R. has been lodged on 09.06.2023 with two days delay without any plausible explanation. Learned counsel for the petitioners submits that the allegation levelled against the petitioners is false and concocted. True fact is that the informant lodged the present case on the instigation of her sister and brother-in-law, as there was enmity between the petitioners and informant's sister and her brother-in-law. Learned counsel for the petitioners submits that the marriage of the informant was earlier performed with some one else, but subsequently, the said marriage was terminated. Thereafter, the informant side wanted to get marry the informant with petitioner no. 4, namely, Sudhir Rai, but the same was denied by the petitioner's side, as a result, this case has been lodged against the petitioners. Learned counsel for the petitioners submits that in medical examination of the informant, doctor did not find any external injury on her body. Investigating Officer visited the place of occurrence, but he also did not find any sign or evidence of rape at the place of occurrence. Lastly, it has been submitted that petitioners have no criminal antecedents.



5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners and submits that the petitioner nos. 2, 3 & 4 have raped the informant, with the help of petitioner no. 1.

6. On perusal of the case diary, it appears that victim, in her statement recorded under Section 164 Cr.P.C., has also supported the prosecution case and revealed the name of the petitioners in this occurrence.

7. Since allegation against the petitioners has been supported by the victim, I am not inclined to grant Anticipatory Bail to the petitioners.

8. Accordingly, this Anticipatory Bail Application stands dismissed.

(Khatim Reza, J)

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