

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74862 of 2023**

Arising Out of PS. Case No.-1028 Year-2021 Thana- FATUA District- Patna

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GUDDU KUMAR @ GUDDU PASWAN, S/O RAMASHRAY PASWAN  
RESIDENT OF NARAMA, P.S.-FARUHA, DISTRICT-PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ganesh Prasad Yadav, Advocate

Ms. Priyanka Kumari, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

4      29-02-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Fatuha P.S. Case no. 1028 of 2021 registered under sections 376, 354A and 354B of the Indian Penal Code.

3. As per the prosecution case, the informant states that the petitioner, who happens to be a *thekedar*, committed rape on her.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case as a result of business rivalry by one another contractor for whom the informant was working. She came to work for the petitioner on one day with the sole intention of falsely implicating him. Thereafter, the Investigating Officer himself notes in course of



investigation that neither she nor her husband are reachable. It is further stated that she even refused to be examined medically. The petitioner is in custody since 22.4.2023 and has no criminal antecedent. Charge-sheet has been submitted in the case.

5. The prayer for bail is opposed by learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR of the petitioner having committed rape on the informant and the same having been supported in the informant’s statement recorded under section 164 of the Cr.P.C., the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

**(Partha Sarthy, J)**

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