

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2122 of 2024

Arising Out of PS. Case No.-711 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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HARI SHANKAR PARIT @ HARI SHANKAR PANDIT SON OF LATE
GANESH PARIT VILL-DHEKAHA, KATKUIYA, PS-MUFFASIL
MOTIHARI, EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 09-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Motihari Mufassil P.S. Case no.711 of 2023 registered under sections 376, 341 and 323 of the Indian Penal Code.

3. As per the prosecution case, the informant states that while they were away and his daughter had gone to school, the petitioner finding his sister to be alone at home entered the house and committed rape on her.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. No such occurrence as alleged has taken place. There is delay in lodging of the FIR and the medical report does not



support the prosecution case. There is contradiction in the statements made in the allegations levelled in the FIR and the statement of the victim under section 164 Cr.P.C. The petitioner is in custody since 14.10.2023 and has no criminal antecedent.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R. wherein the petitioner is said to have committed rape on the informant and the same having been supported by the informant in her statement under section 164 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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