

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.736 of 2024

Arising Out of PS. Case No.-61 Year-2021 Thana- MAHILA P.S. District- Samastipur

Ram Babu Yadav @ Rambabu Yadav S/O Upendra Yadav Village-
Lakshminiya Ward No. 13, Ps. Singhiya, Dist. Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 19-03-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Mahila P.S. Case no. 61
of 2021 registered under sections 376, 452 and 506 of the Indian
Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states
that on the point of pistol her neighbour, the petitioner herein
committed rape on her.

4. Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the case. It was a case
of love affair between the parties which would be evident from
the call detail report brought on record as Annexure- 2 to the
petition which show the number of calls made between the



parties and the long duration for which they were having conversation over telephone. It is further submitted that the statement of the alleged victim under section 161 Cr.P.C, section 164 Cr.P.C is at variance from the allegations levelled in the F.I.R. Even in course of investigation it has transpired that there was no love affair and it is because of dispute between the parties on account of them being neighbours that the petitioner has been falsely implicated in the case.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegations against the petitioner in the F.I.R of having committed rape on the informant and the allegations 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.

7. Liberty is granted to the petitioner to renew his prayer for bail after framing of charge.

(Partha Sarthy, J)

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