

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2445 of 2024

Arising Out of PS. Case No.-1031 Year-2022 Thana- BIHTA District- Patna

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Ajay Kumar S/O Late Badak Yadav @ Ram Kumar Yadav, Village-
Machhalpur Lai, PS- Bihta, Distt.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Akash Kumar Mishra, Advocate
For the Opposite Party : Mr. Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 04-07-2024 Heard Mr. Akash Kumar Mishra, the learned counsel

for the petitioner and Mr. Md. Ataur Rahman, the learned

Additional Public Prosecutor for the State.
2. Petitioner seeks regular bail who is in custody since

16.08.2023, in connection with Bihta P.S. Case No. 1031 of 2022,

FIR dated 07.10.2022, registered for the offences punishable under

Sections 376 (D) and 379 read with Section 34 of the Indian Penal

Code.
3. Earlier the petitioner has moved before a co-ordinate

Bench of this Court for grant of anticipatory bail in Cr. Misc. No.

36452 of 2023, which was rejected vide order dated 31.07.2023.
4. According to the prosecution case, the co-accused

persons along with the petitioner have committed rape upon the

victim.
5. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He lastly submits that the present FIR has been instituted on 07.10.2022, but the copy of the FIR has been sent to the Court on 10.10.2022, after a delay of three days without giving any explanation.

6. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that bare perusal of the materials available on record it appears that the victim has supported the case of the prosecution. Apart from that, FSL report also confirms that semen, which was found on the clothes of the victim, matches with the petitioner.

7. Considering the aforesaid facts and circumstances, I am **not** inclined to enlarge the petitioner on bail in connection with Bihta P.S. Case No. 1031 of 2022, pending in the Court of learned Judicial Magistrate, 1st Class, Danapur, Patna.

8. Prayer is refused.

(Rajesh Kumar Verma, J)

Shahnawaz/-

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