

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51423 of 2024

Arising Out of PS. Case No.-736 Year-2023 Thana- BELAGANJ District- Gaya

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Niranjan Kumar @ Vicky S/o- Maheshi Mistri Village- Noghar Ps- Belaganj
Dist- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Shukh Anshu Kumari D/O Katil Paswan R/O Vill.- Pluhar, P.O.- Jalalpur,
P.S.- Tekari, Dist.- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

6 16-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 376 of the Indian Penal Code and Section 3 (2) (v) of the SC/ST Act.

3. The case of the prosecution is that the victim of the had gone to attend the call of nature. In the meanwhile, the petitioner arrived there from the back and lift her in lap and established physical relation due to which he got unconscious.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in connection with the present case. Moreover, the petitioner is languishing in judicial



custody since 19.11.2023 having no criminal antecedent.

5. Learned counsel for the State submits that during the course of investigation, the statement under Section 164 of the Cr.P.C. has been recorded in which she has stated that the petitioner has committed rape on her. From perusal of the medical report, it is clear that the doctor has found hymen ruptured and opined that rape cannot be denied. As such, the petitioner does not deserve bail.

6. Considering the aforesaid facts and circumstances of the case, I am not inclined to extend him the privilege of bail which is accordingly rejected.

(Ashok Kumar Pandey, J)

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