

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78218 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- MAHILA P.S. District- Muzaffarpur

Raju Kumar Ray @ Raju Kumar @ Raja Babu Kumar Son of Laleshwar Ray
Resident of Village- Chak Mohammad Bada Jagarmath, P.S.- Ahiyapur,
Distt.- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Soni Kumari D/o- Sanjay Ram Resident of Gobarsahi, P.S.- Sadar, Distt.- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 30-01-2025 Heard learned counsel for the petitioner and Mr. Ram Sevak Choudhary, learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 341, 323, 376D, 506/34 of the Indian Penal Code.

3. The case of the prosecution is that the petitioner called the informant and boarded her on a bike, took her to a solitary place, where he committed rape with her. It is further alleged that there were three more persons who committed rape with her and threatening her of dire consequences.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has



falsely been implicated in this case. During course of investigation, the informant/victim has given her statement recorded under Section 161 and 164 of the Cr.P.C. as well. In her statement under Section 161 of the Cr.P.C., the witness has stated that she has solemnized marriage with the petitioner and that on the date of the occurrence, petitioner has established physical relationship with her and three others have committed rape with her. While in her Statement under Section 164 of the Cr.P.C., she has stated that first of all, the petitioner committed rape and after that his three friends committed rape with her. The relation with the petitioner is quite clear from the statement of the victim recorded under Section 161 of the Cr.P.C. It is the case of the prosecution that petitioner has taken the victim on bike and the place where sexual relationship was established, three persons were already there. Medical examination was also conducted, but from perusal of the medical examination, it transpires that only age determination has been done by the Board and there is no finding regarding any sexual act and even there is no finding on examination of any private part of the victim. In any view of the matter, this is a case of gang rape. It is further submitted that the petitioner is languishing in judicial custody since 18.05.2024.



5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this **court is not inclined** to enlarge the petitioner on bail at this stage.

7. However, the petitioner may renew his prayer for bail after six months, if trial is not concluded.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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