

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77511 of 2024

Arising Out of PS. Case No.-70 Year-2024 Thana- SAHJAHANPUR District- Patna

Shivam Kumar Son of Mannu Prasad @ Munnu Prasad R/O Vill.- Sarthua,
P.S.- Shahjahanpur, Dist.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priya Kumari D/O Rajesh Prasad R/O Vill.- Sarthua, P.S.- Shahjahanpur,
Dist.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmeshwar Vishwakarma, Advocate
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 27-01-2025 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioner has prayed for bail in connection with Shahjahanpur P.S. Case No. 70 of 2024 instituted for the offence under Sections 376 and 457 of the Indian Penal Code and Sections 25(1-b)a and 26 of the Arms Act.

3. The case of the prosecution is that at 11 P.M., someone knocked the door of the informant when she opened the door and she found that Shivam the petitioner entered into the house and gagged her mouth and committed rape on gun point. Anyhow she escaped and came out from the room. She further called 112, police arrived and arrested this petitioner.



4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this present case. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, the petitioner is languishing in judicial custody since 04.06.2024.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that during investigation, the victim has given her statement recorded under Section 164 of the Cr.P.C. wherein she has supported her case. Learned counsel for the petitioner submitted that it is a case of love affairs but from perusal of the diary it transpires that there is no whisper regarding love affair of the petitioner with the informant.

6. Having heard the learned counsel for the parties and considering the fact that there is direct allegation against the petitioner. So, I am not inclined to enlarge the petitioner on bail at this stage and, as such, his prayer for regular bail stands rejected.

7. This application stands dismissed.

8. However, the petitioner will be at liberty to renew



his prayer for bail after six months if so advised.

(Ashok Kumar Pandey, J)

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