

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81475 of 2024**

Arising Out of PS. Case No.-45 Year-2024 Thana- MAHILA P.S. District- Bhojpur

Bheem Sah @ Bheem Kumar S/o Raj Kumar Sah Resident of Village- Berath,
P.S. Chauri, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar Singh, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 05-02-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Mahila
P.S. Case No. 45 of 2024 instituted for the offence under Section
376 of the Indian Penal Code.

3. As per prosecution case, accusation against the
petitioner is of committing rape upon the informant.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 25-06-2024. Petitioner
bears no criminal antecedent, as per disclosure made in
paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's
counsel that petitioner has been falsely implicated in the present



case, due to dirty village politics. The petitioner and informant are next door neighbours and there is subsisting land dispute between them. It is submitted that police after investigation has submitted charge sheet in this case. Even as per medical report, there is no evidence of sexual assault.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to statement of the victim recorded under Section 164 of the Cr.P.C., it is submitted that she has supported the allegation of rape against the petitioner. Victim is widow hence, petitioner does not deserve the privilege of bail.

7. Considering the aforesaid facts and circumstances of the case, nature and gravity of the offence, and specifically taking into account the statement of the victim, this Court, at this stage, is not inclined to grant bail to the petitioner. Prayer for grant of bail is, accordingly, *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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