

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26827 of 2024**

Arising Out of PS. Case No.-517 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Gopal Mahto SON OF PARMANAND MAHTO Village -Balapar ward no 8
PS- Rosera Distict -Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. KAVITA DEVI D/O RAM MANOJ DAS VILLAGE- BALAPAR, P.S.-
ROSEIRA, DISTRICT- SAMASTIPUR, BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhav Kumar , Advocate
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP
For OP 2 : Mr. Pranav Kumar , Advocate
Mr. Rajeev Ranjan No. II , Advocate
Mrs. Priyanka Kumari , Advocate

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 10-07-2024 Heard learned counsel for the petitioner and the
State.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 386, 376, and 511 of the
IPC .

3. As per the prosecution case , on the point of knife
this petitioner committed rape with the victim.

4. The learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case due to a land dispute. No independent witnesses have
supported the prosecution case. The Court below has



disbelieved the story of rape and has been pleased to take cognizance only under Section 354 of the IPC. Petitioner claims clean antecedent.

5. Learned counsel for the State as well as informant opposed the prayer for bail and submitted that there is direct and specific allegation against the petitioner that on the point of knife he committed rape with the victim.

6. Considering the nature of accusation and gravity of offence , prayer for pre-arrest bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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