

	Name of the Court:- Akhilesh Kumar Tiwari, Addl. Sessions Judge-I, Lohardaga Case No. <u>M.C.A No. 603/2022</u> ST Case No. 171/22 CNR : JHLH01001967-2022 Name of Parties:- State V/S Bina Oraon ===== 24.11.2022 Misc. Criminal Application (bail petition) has been filed on 19.11.2022 on behalf of accused petitioner namely Bina Oraon, S/o Bale Oraon, R/o vill. Kauwadar, P.S. Peshrar, Dist. Lohardaga who is in custody and the same is put up for hearing today. The learned counsel for the petitioner has submitted that earlier no any bail petition of the petitioner either anticipatory or regular has been filed before this learned court or before Hon'ble High Court. The learned counsel for the petitioner has submitted that the petitioner is innocent and has committed no such offence as alleged in the FIR. Ld. Counsel submitted that petitioner has been implicated in this case by the informant on the basis of report
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<u>Continued</u> 24.11.2022	of Ganesh Oraon. On perusal of opinion of the Doctor, no sign of injuries was found over private parts. No internal/external injuries were found over her private part of the victim. On perusal of the opinion and report of concerned doctor it appears that no any sign of rape has been found and as such no any occurrence has taken place but with a previous jealous view, the petitioner has been implicated in this case by the informant. Petitioner is in judicial custody since 28.05.2022. Therefore, petitioner may be granted bail. The learned A.P.P. opposed the move of the bail. Heard both sides and perused the record along with case diary. Prosecution story in nut shell is that informant's elder sister (victim) is deaf and dumb and used to extend her supporting hands in domestic work of the informant. On 24.05.2022 at 3.00 P.M. his sister (victim) had visited forest area to muster forest produce. In the meanwhile, informant's cousin brother informed that someone was whining in the forest area. On this information, informant rushed towards forest area. He noticed that Binuwa Oraon (Bina Oraon) was in semi nude position and on hearing some rattling sound he started fleeing away from the spot. Anyhow Bina Oraon eloped from the forest area by bicycle. Her sister was found unconscious there. When she regained her senses then this matter
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24.11.2022

was reported. Thereafter on the written report of the informant, F.I.R was registered as Peshrar P.S. Case No. 13/22 for the offences u/s 376 I.P.C against the petitioner.

	STATUS	
1.	Cognizance taken on 26.08.2022 for the offence	U/s 376 (2) (1) I.P.C.
2.	Current Stage	For supply of Police Paper to Accused.

During statement U/s 164 Cr.P.C the victim invigorated the fact embedded in the written report by asserting that accused on the date of occurrence forcibly raped her in the forest area by gagging her mouth.

Para Nos. 28 of the case diary consists of the confessional statement of accused petitioner Binu Oraon before the police which goes to divulge that accused petitioner on the alleged date of occurrence raped and ravished the victim by gagging the mouth in the forest area.

Para Nos. 16, 17 and 18 of the case diary consist of the statement of witnesses recorded u/s 161 Cr.P.C. during which they have asserted that accused petitioner Bina Oraon forcibly raped the victim who was deaf and dumb by gagging her mouth and

Continued. 24.11.2022	when he was chased by informant and others then he eloped from the spot. The custodial period of the accused petitioner does not mitigate the gravity and seriousness of the offences arraigned against the accused petitioner. Specific and direct arraignment has been attributed against the accused petitioner for ravishment of victim girl who was deaf and dumb. Alleged offences are very odious and execrable in nature. Having regard to the above facts and circumstances and gravity of the offences, I am not inclined to enlarge the accused petitioner Bina Oraon, on bail. Accordingly the prayer for bail of the accused petitioner through MCA no. 603/2022 stands rejected. Accordingly MCA petition No. 603/22 is being disposed off. (Dictated) Sd/- (Akhilesh Kumar Tiwari) Addl. Sessions Judge-I, Lohardaga I.D. No. 0530
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