

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48578 of 2018

Arising Out of PS. Case No.-376 Year-2018 Thana- MOTIPUR District- Muzaffarpur

Ramod Kumar, son of Vinod Ray, resident of village - Sandha Dambar, Ward No. 14, P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 29-08-2018 Heard Sri Manoj Kumar, learned counsel for the petitioner and Sri Dashrath Mehta, learned Addl. Public Prosecutor.

The sole petitioner, who is in custody in Motipur P.S. Case No.376 of 2018 registered for the offence under Section 376 of the Indian Penal Code, has prayed for grant of bail.

Learned counsel for the petitioner, by way of referring to the F.I.R. as well as impugned order, submits that the petitioner has falsely been implicated in the present case as per instance of mother of the informant. He submits that this fact has come during investigation and it was noticed by learned court below, while considering the prayer for bail of the petitioner. He submits that of course, in the F.I.R., which was based on the written report of the victim, the victim, aged about



18 years, had alleged that the petitioner raped her in the field and after noticing the mother of the informant, he fled away, but in the statement recorded under Section 164 of the Code of Criminal Procedure, the victim asserted that the petitioner was not present there but instead one Subodh Kumar was present there. The said fact was tried to justify by Shakuntala Devi, mother of the informant and she stated that the informant, considering the fact that the petitioner was her friend, tried to protect him and instead she gave the name of elder brother of the petitioner.

Considering the facts and circumstances, let the petitioner, namely, Ramod Kumar be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, West Muzaffarpur in connection with Motipur P.S. Case No.376 of 2018.

(Rakesh Kumar, J.)

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