

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 43099 of 2019

Arising Out of PS Case No.-17 Year-2015 Thana- MAHILA P.S. District- Samastipur

Rajnish Singh @ Rajnish Kumar Singh aged about 35 years (Male) Son of
Saroj Singh, Resident of Village- Khairi, P.S.- Khanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Singh and Mr. Awadhesh Kumar Singh, Advocates
For the State	:	Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 16-11-2019

Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends arrest in connection with
Mahila PS Case No. 17 of 2015 dated 29.05.2015 instituted under
Section 376 of the Indian Penal Code.

3. The allegation against the petitioner and another co-
accused is of committing rape on the informant.

4. Learned counsel for the petitioner submitted that the
parties are agnates. It was submitted that the allegation being
patently false is clear from the fact that the other co-accused who
is the grand father-in-law of the petitioner is said to have caught
hold of the victim and the petitioner is said to have committed
rape, which cannot be believed. It was submitted that the other co-



accused has been granted anticipatory bail by order dated 11.04.2019 in Cr. Misc. No. 22797 of 2019. It was further submitted that independent witnesses have supported the prosecution story and even the report of the Medical Board does not corroborate rape.

5. Learned APP, from the case diary did not controvert the fact that the Medical Board report did not corroborate rape.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the application is allowed. In the event of arrest or surrender before the Court below within four weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Samastipur, District- Samstipur in Mahila PS Case No. 17 of 2015, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J.)

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