

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.74785 of 2018

Arising Out of PS. Case No.-72 Year-2018 Thana- EAST COLONY District- Munger

Rajesh Kumar Sinha son of Surendra Prasad Singh, resident of Sector- D/32,
P.C. Colony, Lohia Nagar, P.S.- Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y.V. Giri, Sr. Adv
Mr. Pranav Kumar, Adv
For the State : Mr. Ram Priya Shara Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 25-01-2019 The petitioner seeks bail in anticipation of his arrest in connection with East Colony P.S. Case No. 72 of 2018 dated 21.09.2018 instituted for the offences under Section 376 of the Indian Penal Code.

The petitioner is alleged to have been exploiting the informant for the last nine years. She has alleged in the F.I.R that finding no way out and desirous to come out of the clutches of the petitioner, she made a plan of harming the petitioner with the help of other criminals, but unfortunately she got arrested.

It appears from the records that the petitioner had earlier filed a case with respect to a dacoity having been committed in his house vide East Colony P.S. Case No. 70 of 2018 dated 17.09.2018 instituted for the offence under



Section 395 of the Indian Penal Code. Shortly thereafter, on the self statement of a Police Officer, a case was lodged vide East Colony P.S. Case No. 71 of 2018 dated 20.09.2018 under Section 25(1-B) a, 26, 35 of the Arms Act. In the aforesaid case, the prosecutrix/informant was arrested, which fact gets confirmed from the arrest memo.

For the petitioner having filed a case of dacoity in his house and the informant being arrested by the Police clearly confirms the fact that the informant had gone to the house of the petitioner for wreaking vengeance as also for harming the petitioner for having sexually exploited her. Nonetheless, the allegation of rape, as has been argued, does not appear to be trustworthy as a lady who can muster up the courage of committing dacoity in the house of the petitioner for wreaking vengeance, could have very well protested against such exploitation which continued for about nine years.

Under such circumstances, it has further been argued that the story of forceful exploitation is incorrect and has been conjured up for the oblique purposes. Had it not been consensual, the petitioner contends, such protest would have



been staged much early in life.

Perused the F.I.Rs which have been annexed with this anticipatory bail petition.

There is some substance in the allegation of the informant that she had deliberately visited the house of the petitioner with few criminals for the purposes of subjecting him to a lesson for exploiting her. But so far as the allegation of rape is concerned, it may not be worthy of credence for the sole reason that such relationship continued for nine long years. The investigation report reveals that son of the informant did not support the factum of her mother being sexually exploited continuously for nine years. Even the supervision note of the superior Police Officer does not refer to such fact or there being any truth in such allegation. Some of the other accused persons who have been named by the prosecutrix/informant viz. the nurses, in the employment of the petitioner, have only expressed complete ignorance about such character of the petitioner.

Regard being had to the aforesaid facts as also taking into account that the petitioner is almost on the verge of



retirement from his employment as a Doctor with the Government, the petitioner, above named, is directed to be released on bail in the event of his arrest or surrender within a period of four weeks from today and on his furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Ist, Munger, in connection with East Colony P.S. Case No. 72 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, it is made clear that the petitioner shall participate in the investigation and any attempt of his to withhold relevant information from the Investigating Agency would be viewed seriously. In that event, the Investigating Agency would be under an obligation to move this Court for cancellation of anticipatory bail of the petitioner.

With the aforesaid observations, the petition is disposed off.

(Ashutosh Kumar, J)

Shageer/-

U		T	
---	--	---	--

