

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.4094 of 2020

Arising Out of PS. Case No.-126 Year-2019 Thana- KUTUMBA District- Aurangabad

Vinod Singh, male, aged about 36 years, Son of Nagdish Singh Resident of Village - Ore, Kutumba, Dist.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamendra Prasad Singh, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 11-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Kamendra Prasad Singh, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Kutumba PS Case No. 126 of 2019 dated 15.08.2019 instituted under Section 376 of the Indian Penal Code.

4. The allegation against the petitioner is of committing rape of the informant.

5. Learned counsel for the petitioner submitted that the allegation is totally false and fabricated. It was submitted that as per the FIR, on 14.08.2019 at 4:00 PM in the school in which the informant was working as cook, the petitioner is said



to have raped her. Learned counsel submitted that the petitioner is a co-villager and has nothing to do with the school. Moreover, it was submitted that on 20.08.2019, the Principal of the school has written to the Officer-in-Charge of the Police Station informing that on 14.08.2019, the alleged date of occurrence, at 2:00 PM the informant along with Sarita Kunwar had cleaned the premises and had left. It was further stated that at 4:00 PM the Principal had locked the school and gone away. Learned counsel submitted that the same, thus, clearly disproves and falsifies the allegation that at 4:00 PM the informant could come to the school when at 4:00 PM the Principal had locked the school and gone away. It was further submitted that the husband of the informant had a hot talk with the petitioner two days prior to lodging of the FIR and, thus, the same is clearly *mala fide*. It was further submitted that in the statement before the Court under Section 164 of the Code of Criminal Procedure, 1973, the informant has stated that twice earlier also the petitioner had committed rape without disclosing any details or reason why the same was not reported to any authority. Learned counsel submitted that the petitioner has no other criminal antecedent and is in custody since 15.08.2019.

6. Learned APP, from the case diary, submitted that there is allegation of rape.



7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let 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 Chief Judicial Magistrate, Aurangabad in Kutumba PS Case No. 126 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner and (ii) that the petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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