

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11581 of 2020

Arising Out of PS. Case No.-38 Year-2019 Thana- MAHILA P.S. District- Kishanganj

GAURAV KUMAR Son of Subodh Kumar Resident of Village - Bairiya,
P.S.- Tikapatti, District- Purnea ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner/s : Mr.Vikram Singh, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 30-09-2020 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

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

The petitioner apprehends his arrest in Mahila P.S.
Case No. 38 of 2019, registered for the offences punishable
under Sections 341, 376, 504, 506 and 34 of the Indian Penal
Code and section 27 of the Arms Act.

Prosecution case in brief is that informant used to
reside with her brother and preparing for competitive
examination. Petitioner who is distant relative, used to visit her
brother's house. In the last week of August, 2019, the petitioner
came on his motorcycle and asked a glass of water from the
informant. While the informant was taking water, the petitioner
bolted the door from inside and committed rape upon her.



Thereafter, petitioner threatened not to disclose the ordeal to anyone. On 14.09.2019, while the petitioner came to her residence on motorcycle, the informant raised halla of Chor-Chor and informed her brother on which the petitioner fled away.

It is submitted that petitioner has been falsely implicated in this case. There is vague allegation against the petitioner inasmuch as no date and time has been given by the informant of the alleged occurrence. This false case has been lodged to blackmail the petitioner and to put pressure on him to marry with the informant, who has matrimonial dispute with her husband and is living separately. There is undue delay in lodging of FIR for which there is no explanation which causes serious doubt over the veracity of FIR itself. Petitioner has got clean antecedent as mentioned in para 3 of the bail petition.

Learned APP vehemently opposed the prayer for bail and submitted that victim also supported the prosecution version in her statement under Section 164 Cr.P.C.

Considering the facts aforesaid and delay in lodging of FIR and petitioner has got clean antecedent, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of eight weeks from the date of



receipt/production of a copy of this order, is directed to 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 the learned Sub-Divisional Judicial Magistrate, Kishanganj in connection with Mahila P.S. Case No. 38 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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